(XXVIIIth YEAR.) THE (No. 1447.)

MARYLAND GAZETTE.

THURSDAY, JUNE, 3 1773.

Ducentis ut nervis alienis mobile lignum.
HOR.
Thou thing of wood, and wires by others play'd.
FRANCIS.

THE Citizen in a former paper expreſſed his expectation, that "lawyers would not be wanting to undertake a refutation of Antilon's legal reaſoning, in favour of the proclamation," and ſignified it to be *his* deſign to examine the meaſure, on the more general principles of the conſtitution. His expectation I am induced to believe from various circumſtances, from occurrences extrinſick to the laſt performance publiſhed with his ſignature, and from the many peculiar marks with which the work abounds, has not been diſappointed. The artifice of this ſhifting management obliges me to enter into a minute detail, and in this to repeat ſome paſſages of my former letters, for the purpoſe of giving a plain view of the ſubject, which my adverſaries have endeavoured to perplex by their cavils, and obſcure by their declamations: for I am perſuaded that the better the meaſure, which has been branded with the character of an arbitrary tax, is underſtood, the more will its legality, and expediency appear.

When the late inſpection law expired, as there remained no regulation of the fees of officers, ſo would they have had it in their power to commit exceſſive exactions, if there exiſted no competent authority to reſtrain their demands, or if ſuch authority did exiſt, and was inactive. If ſuch authority exiſted before the temporary act was made, it of courſe revived on the expiration of this act, and no declaration, or reſolve of the lower houſe could prevent the exerciſe of it; becauſe if the authority was competent, its competency was derived from the law, which can't be abrogated, altered, or in any manner controuled, but by an act of the whole legiſlature. The queſtion relates to *old*, or *conſtitutional* officers, who are ſupported not by ſalaries, but by caſual fees, whoſe incomes are not fixed by ſtipend, but turn out to be more or leſs according to the ſervices they perform. As the offices are *old* and *conſtitutional*, and thus ſupported by incidental fees, ſo is the right, to receive ſuch fees, *old*, and *conſtitutional*. There have been, as will appear hereafter, different regulations of theſe fees at different periods, none of which remained, when the late inſpection law expired. The officers, being entitled to theſe rewards for their ſupport, they could not be guilty of * *extortion* merely for receiving fees—when they perform ſervices. They could not commit extortion, but by taking *larger* fees than they ought, and conſequently, without ſome poſitive rule, or ſtandard, it would not be extortion, if an officer ſhould exact *any* fees for his ſervices. In this ſituation, when there was no regulation of fees, no reſtriction of the demands of officers, the proclamation iſſued, with the profeſſed deſign of preventing the exceſſive exactions of officers, and for this purpoſe ordered, that no officer ſhould receive *greater* fees, than the rates ſettled by the then laſt regulation, under pain of the Governor's diſpleaſure, which rates were the moſt moderate of any, that had before been eſtabliſhed, and in conſequence of the falling of the inſpection law, leſs beneficial to the officers. Such in ſubſtance is the proclamation. It has, however, been objected, that it did not proceed from the *profeſſed* deſign of preventing extortion; but the *real* motive was the benefit of the officers, and the time, when it iſſued, is urged as a proof, that this was the motive. The rectitude, or impropriety of the meaſure is not to be determined by profeſſions, or imputations, but by its effects. Officers, without ſettled rates of fees, would be under no legal reſtriction. The preſent regulation contains *no enforcement of payment from the people*, the officer being *left* to his *legal remedy*. When the inſpection act was in force, his remedy was by execution. This effect of the new regulation can't be denied, viz. that the officer, being removeable, is reſtrained, by the threats of the perſon, who has authority to remove him, from receiving beyond the rates preſcribed, and without this regulation, would have it in his power, to demand, and receive fees, not only to the extent of the rates, but beyond it. The little ſuggeſtion, introduced by a puerile dialogue, that a party might have the ſervice done, and refuſe payment for it, if he thought the demand not reaſonable, has been anſwered, by ſhewing that an officer would not have been bound to perform a ſervice, without payment at the time of performing it. Whence then the benefit to the officer by the reſtriction reſulting from the proclamation? and if a benefit to the officers can't be ſhewn, and the reſtriction can't be denied, how is the profeſſed deſign of the proclamation, productive of the very effects explained by it, refuted by imputing to it a different motive, with which its effects do not correſpond?

* *Extortion is committed, when an officer, by colour of his office takes money, or other valuable thing, which is not due, or more than is due, or before it is due.*

As to the time, when the proclamation iſſued, the new regulation was then if ever proper, becauſe the former then ceaſed, and the two houſes having diſagreed on the ſubject there remained no regulation at all, ſo that as to this imputation,

"Cum ventum ad verum eſt, ſenſus moreſque repugnant,
"Atque ipſa utilitas, juſti propè mater et æqui." *

But the grand objection to the new regulation of fees is, that it *impoſes a tax upon the people*, and conſequently is competent only to the legiſlature. Whether this idea be proper or not, I ſhall conſider. If when fees are due, a regulation, allowing the officer to receive them at a certain rate, be a tax, there can be no legal regulation of fees, *in any inſtance*, except by the legiſlature; but if it can be proved, that there may be legal regulations of fees *without* a legiſlative act, then the idea of tax is improper. I have already obſerved, that the lords, and commons, and the upper, and lower houſes of aſſembly, *ſeparately*, have allowed fees to be taken by their *neceſſary* officers, and ſince taxes *can't* be impoſed but with the *concurrence* of *all* the branches of the legiſlature, I have concluded, that *theſe* fees are *not* taxes; but the propoſition that taxes can't be laid, but by the legiſlative authority, is denied by my adverſaries, who, in order to evade the direct conſequences of the inſtances put, add this reſtriction, "ſaving ſuch caſes, as are *warranted* by "long immemorial, and uninterrupted uſage." This exception, they have not attempted to prove, and therefore have not advanced any reaſoning for particular diſcuſſion; but their principle may be aſcertained, and it will be incumbent upon them either to give up their exception, or to maintain this poſition, that there is *an authority to tax*, *warranted* by long, immemorial, and uninterrupted uſage, *diſtinct* from the legiſlative [illegible] the exception being applied to qualify the gene[illegible] major propoſition that "taxes can't be "laid, b[illegible] the legiſlative authority" neceſſarily implies, that there *may* be *taxes lawfully* eſtabliſhed by *ſome other*, than the legiſlative authority, and the exception being expreſſed to reſult from "ſuch caſes, as "are *warranted* by long, immemorial, and uninter"rupted uſage," it remains to be proved, that there are ſuch *warranted* caſes of *tax*, or the exception ſtands on a mere ſuppoſition to evade the force of my concluſion, without any proof to ſupport it. Now I call upon my adverſaries to prove, on the principles of our conſtitution, that there are caſes of *tax*, *warranted* by uſage, *known* to have received *no* legiſlative ſanction, but to have been eſtabliſhed by the lords or commons, the upper or lower houſe of aſſembly, ſeparately, or by the judges. If they fail in their proof, my argument, that "no tax can be impoſed except by the le"giſlature; but fees have been lawfully ſettled by "perſons not veſted with a legiſlative authority, con"ſequently the ſettlement of fees is not the impoſition "of a tax," remains in full force. If the original ſettlement of any fees was a tax, it continues a tax, if it was not a tax, it can't become ſo from the acts of officers, and parties receiving, and paying the fees. The *origin* of it being *aſcertained*, and not left to *preſumption*, if the ſettlement of fees was originally a tax, and therefore unlawful in the commencement, the uſage, or, in other words, the repeated acts of paying, and receiving, can't make it lawful: for it is an eſtabliſhed maxim of law, if, on enquiry into the legality of cuſtom, or uſage, it appears to have been derived from an illegal ſource, that it ought to be abolilhed—if originally invalid, length of time will not give it efficacy.

It is, indeed, ſtrange that they, who object to the argument from precedents, ſhould rely altogether upon them in ſupport of a doctrine ſo extraordinary, as that the legality of even taxes, not laid by the legiſlature, may be maintained by the precedents of their having been paid, and received! For what conſtitutes uſage; but the frequent repetition of the ſame acts, or examples for a long time? Wherefore, I preſume, the ſettlement of the fees of *old*, *conſtitutional* offices, *to which the right of fees was annexed when the offices were created* is not a tax, and that the lawful allowance of fees to their neceſſary officers by the lords &c. who are not veſted with a legiſlative authority, is proof of my poſition. Saying that theſe allowances [illegible] founded on the law of parliament, which is part of general law, amounts to no more than ſaying, they are lawful; but the proof is wanting, that either branch of the legiſlature, *alone*, can impoſe taxes on the ſubject by the law of parliament.

The judges are not governed by the law of parliament; they have no authority to tax the ſubject; but their allowance of fees to their neceſſary officers is lawful. It appears by the 23d Hen. 7th, that an officer was entitled to receive a fee of a perſon acquitted of a felony *on this principle*, that it was aſſigned him by the *order*, and *diſcretion of the court*; and with reaſon, and good conſcience, for his trouble, charge, and attendance on the court with priſoners. This is a pointed authority, and I believe, has never been impeached. In the caſe of Shurley and Packer, Hill. 13 Jac. Coke obſerved, that by the ſtatute of Weſtm. 1ſt. no ſheriff could take money for ſerving proceſs, and that the receipt of money for ſuch ſervice would be extortion; but *that the judges may allow him fees*, and with ſuch allowance he may receive them, and he cited the 23d Hen. 7th.

Hawk. 1 book, cap. 68, ſpeaking of the ſtatute of Weſtm. 1ſt, obſerves that "it can't be intended to be "the meaning of it to reſtrain the *courts of juſtice*, "in whoſe integrity the law always repoſes the higheſt "confidence, *from allowing reaſonable fees* for the la"bour, and attendance of their officers: for the *chief* "*danger* of oppreſſion is from officers being at liberty "to ſet their own rates, and make their own de"mands; but there can't be ſo much fear of theſe "abuſes while they are *reſtrained* to known, and *ſtated* "*fees, ſettled by the diſcretion of the courts*, which will "not ſuffer them to be exceeded without the higheſt "reſentment." Do my adverſaries deny this authority, have they any diſtinction to evade the force of it, or do they admit it? If it is admitted, it directly applies to, and ſupports, my poſition, that the ſettlement of fees, and reſtraining officers to known, and ſtated rates, by the allowance, and order of the judges, is not taxing the ſubject. To prove that fees can be ſettled only by act of parliament, or antient uſage, they have quoted a paſſage from Bac. abrid. 2 Vol. 463; but in the next page of the ſame book, this paſſage, which they have omitted, occurs, "ſuch fees as "have been *allowed* by the *courts of juſtice* to their "*officers*, as a *recompence* for *their labour and attendance* "are eſtabliſhed fees," a poſition which correſponds with Hawkins's doctrine. Coke's expoſition of the ſtatute de tallagio non concedendo is again cited, "All *new* offices erected with *new fees*, or *old* offices "with *new*, fees, are a tallage (or tax) put upon "the ſubject, and *therefore can't be done without com*"*mon aſſent by act of parliament*." Whenever therefore, a fee is a tax, it can't be eſtabliſhed *without an act of parliament*. This was the reſult of my major, or general propoſition, which they have endeavoured to reſtrain by the exception, ſuch caſes as are warranted "by long, immemorial, uninterrupted uſage," an exception directly repugnant to Coke's opinion. When fees are taxes, only the legiſlature can lawfully grant them; but that fees are not taxes, in the inſtances I have put of allowances made by the lords &c. and the judges, the legality of theſe allowances is a plain proof. What conſtruction then ſhall the paſſage cited from Coke receive, that it may be reconciled with the other authorities? "new offices erected with new fees," my adverſaries admit are out of the queſtion, that fees may be ſettled or aſcertained at a time ſubſequent to the inſtitution of the offices, the caſes, I have cited, prove, and if the conſtruction of the paſſage from Coke be carried ſo far as to include theſe ſettlements, or rates, he is contradicted by thoſe caſes, and appears to be inconſiſtent with himſelf, not only from the caſe of Shurley and Packer, but the doctrine he has laid down in his 1ſt inſt. which I ſhall preſently conſider. This being the ſtate of the matter, there is a neceſſity for putting ſuch a conſtruction upon his words, as may reconcile his opinion with the other authorities, or it will be overruled by them. Fees may be due, without a preciſe ſettlement of the rate, and the right to receive them may be coeval with the inſtitution, or firſt creation of the offices, as in the caſe of our old, or conſtitutional offices; when ſuch fees are ſettled, they are not properly *new* fees, and therefore a regulation, reſtraining the officer from taking beyond a ſtated ſum for each ſervice, when he was before entitled to a fee for ſuch ſervice, is not granting, or annexing a *new* fee to an *old* office; but when the officer is not entitled to receive a reward from the party in the execution of an old office, or is entitled to a certain ſum from him, the granting of a fee when nothing was before due, or augmenting the fee the officer was before entitled to, creates a *new* fee according to Coke's expoſition. When a man, in conſideration of receiving an adequate recompence for the ſervice, performs work, and labour for another at his requeſt, without a ſpecial contract fixing the ſum to be paid, he, for whom the ſervice is done, becomes indebted. If the parties to the contract afterwards aſcertain the ſum due for the ſervice, this ſettlement does not create a *new* debt, but fixes, or regulates the quantum or rate payable on the original contract. In this ſenſe I underſtand Lord Coke, and admit that, when fees are ſettled, they ought not to be augmented—when ſervices ought to be performed without a fee, a fee ought not to be granted; but oppoſe any conſtruction contrary to the authorities I have cited to eſtabliſh this point, *that when officers are entitled to fees, not preciſely ſettled as to the quantum or rate*, they may be fixed, or aſcertained by the authority of the judges incident to their functions, or offices, and that it is not a juſt objection to their exerciſe of this authority that "the ſettlement of fees is the impoſition of taxes "on the ſubject."

Co. Litt. 368 is alſo quoted, to this effect, "it is "provided by the ſtatute of Weſtm. 1ſt? That no

* *"When we appeal to truth's impartial teſt,*
"Senſe, cuſtom, ſocial good, from whence ariſe
"All forms of right, and wrong, the laſt denies."
FRANCIS.

" sheriff, or other minister of the King, shall take any " reward for doing of his office, *but only that which the " King alloweth him*, on pain that he shall render dou- " ble to the party, and be punished at the King's " pleasure, and this was the antient common law, and " was punishable by fine, and imprisonment; but the " statute added the aforesaid penalty. " Some latter " statutes having permitted them to take in some " cases, by colour thereof, the King's officers, as " sheriffs, coroners, escheators, feodaries, jailers, " and the like, do offend in most cases, and seeing " this act yet standeth in force, *they can't take any " thing*, but where, and so far as latter statutes have " allowed to them. Yet such reasonable fees as have " been allowed by the courts of justice of antient time " to inferior ministers, and attendants of courts for " their labour, and attendance, if they be asked, and " taken are no extortion."

In his exposition of the statute de tallagio non concedendo, Coke lays down the position, that where the grant of fees would amount to a tax, " it can't be " done without act of parliament." In the passage just cited from his 1st inst. it appears that " such " reasonable fees, as have been allowed by the courts " of justice of antient time &c." may be taken, and therefore these fees fall not under the predicament of tax, which can be laid only by act of parliament.

I must first observe, that this statute of Westm. relates only to officers supported by salaries, and not by fees from suitors. " *They are to take only that, which " the King alloweth them.*" The constitutional officers in Maryland, derive no support from salaries, or any other allowance, than the fees they receive from those, for whom they perform services; the right to demand, and receive such fees is coeval with the institution of their offices, and therefore they are not within the purview of this statute, which describes, and relates to, officers prohibited from taking " *any* reward for " doing their office; *but only that which the King " alloweth*;" but yet notwithstanding the absolute terms of this statute, Lord Coke observes, that " such " reasonable fees, as have been allowed by the courts " &c." may be taken. The statute is so far from permitting the taking even of these fees, that the words of it are in the negative, " not any reward shall be " taken" beyond the crown's allowance, and yet, by construction, fees allowed of antient time by the judges may be taken with impunity. I have already remarked, and shewn, that this statute does not extend to constitutional officers in Maryland, whose right to receive fees is coeval with the institution of their offices, and who have no other support, than what they derive from these fees. The objectors having, however, observed, that it does not appear, " the " judges have ever imposed *new* fees by their sole au- " thority," I will pursue the subject a little farther, though I have already given an answer to their case, and inferences from it. The passage cited from Coke shews that fees allowed by the courts may be lawfully received even by officers described in the statute of Westm. 1st—upon the allowance of these fees, surely they were *new*; the allowance was by the judges, and therefore without doubt, when made, *new* fees were allowed by the judges by their sole authority. If the fees, thus allowed, were originally, when they were *new*, taxes, they have not ceased to be taxes, in consequence of the frequent repetition of the acts of payment, and receipt, and of their having obtained the denomination, " antient fees." Serjeant Hawkins having taken notice that, " at the common law " affirmed by Westm. 1st, it was extortion for any " minister of the King, whose office did any way con- " cern the administration, or execution of justice, or " the common good of the subject to take any reward " for doing his service, except what he received from " the King," makes this remark, " surely this was a " most excellent institution, highly tending to pro- " mote the honour of the King, and the ease of the " people, and hath always been thought to conduce " so much to the publick good, that *all prescriptions " whatsoever*, which have been *contrary* to it, have " been holden to be void, and upon this ground it " hath been resolved, that the prescription, by virtue " whereof the clerk of the market claimed certain " fees for the view, and examination of all weights " and measures, was merely void." The allowance therefore of the judges was lawful, when made, and when the fees were *new* or it could not become so by length of time, since *no* prescription contrary to the common law, affirmed by the statute of Westm. 1st is good. Hence it appears that the judges have an authority incident to their office to settle the rates of fees. That the settling, or fixing the rates of fees has been deemed to be a proper preventive of excessive exaction will, moreover appear from the following proceedings. Among the rules, and orders of the court of chancery published in the year 1739, the following order occurs—" it is his Majesty's pleasure, " that the judges of all his Majesty's courts at West- " minster do impanel juries of the officers, and clerks " of the same courts, to enquire what fees have been " usually taken by the several officers for the space of " thirty years last past, upon certificate whereof his " Majesty will take such course for settling fees, as to " his wisdom shall seem meet, and the lord keeper is " to signify this his Majesty's pleasure to the judges of " the other courts, that they may perform the same " this term!" Among the rules, and order of C. B. published in 1708 is one, to the following effect, " a " jury of able, and credible officers, clerks, and at- " tornies once in three years shall be impanelled, and " sworn to inquire of new, exacted fees, and of those, " who have taken them under whatever pretence, and " to prepare, and present a table of the due, and just " fees, that the same may be fixed, and continued in " every office."

In the year 1743, an order was made in chancery by Lord Hardwicke, reciting that " the King *upon the " address of the commons* had issued his commission for " making a diligent, and particular survey, and view " of all officers of the said court, and inquiring what " fees, rewards, and wages every of these officers " might, and ought lawfully to have in respect of " their offices, and what had of late time been unjustly " encroached, and imposed upon the subject, that the " commissioners should propose in writing means and " remedies for reforming abuses, and certify their " proceedings to his Majesty in chancery, reciting also " the execution of this commission, and the certificate " of it, and that his lordship, being desirous that the " suitors should enjoy the benefits proposed in the cer- " tificate, had thought proper the same should be esta- " blished by the authority of the court, and observed, " till some further or other provision should be law- " fully made touching the premises, therefore his " lordship by the *authority* of this honourable *court*, " and with the *advice* and *assistance* of the master of " the rolls, doth hereby order, and direct, that the " masters, or their clerks, do not demand, or take " any greater fees, or rewards for business in their " respective offices, than the fees or rewards follow- " ing, viz." Then are added tables of the fees of the respective officers. Among the fees settled by this order, with the advice of the master of the rolls, are the fees claimed by the *latter*, and the officers, not observing this order, are threatened with the same punishment, as for a contempt of the court. A provision is made for the payment of the fees of chancery by this rule, " if any cause be set down for hearing, in " which the fees have not been paid, this may be al- " leged by the officers to stop the hearing of the " cause," and the hearings of causes have been accordingly stopped by the court, on the clerk's insisting to have his fees paid, or secured. 2d P. W. 461. 2 Vez. 112. Roll, chief justice, declared that " if a cli- " ent, when his business is dispatched, refuse to pay " the officer in court the fees due to him for doing " the business, an attachment upon motion will be " granted against him for commitment, till he pay " the fees due: for the not paying fees is a contempt " of the court, and the court is bound to protect their " officers in their rights." P. R. 598.

How has the greater part of fees been settled, or ascertained, but by the allowance of the courts on the principle explained by Hawkins, in pursuance of the authority incident to the offices of chancellors, and judges? Every instance of a fee, so settled, contradicts the notion, that the settlement of the rates of fees is a tax, because it is not competent to any other than the legislative authority to tax. This power of the judges is founded on utility, justi propè mater, & æqui, for, without the restriction of fixed rates, officers might commit excessive exactions to the grievous oppression of the people. If it should be asked, how does it appear, that the far greater part of fees hath been settled by the allowance of the courts, and not by statutes? I answer, because the officers entitled to fixed rates can derive this right only from the [illegible]ination of the courts, or the provision of statutes; but it does not appear by the statutes, to which we may have recourse, and collect the instances, wherein fees are settled by them, that the legislative provisions extend to any considerable proportion of the fees of officers.

The proceedings of the commons in 1752, as I observed in my former letter, shew the opinion of the committee to have been, that tables of fees fixed and established by the authority of the judges would be the proper means to prevent excessive exactions, and the committee could not but know, that the greater part of the fees was claimed by the officers, independent of statutes, and this claim would be more firmly established by the proposed tables. If these fees were taxes, and therefore unlawful, it is not to be imagined that a measure would have been recommended by the commons, tending in any degree to countenance an infringement of the privilege, they are so peculiarly tenacious of, that of [illegible] being the first spring of all taxes. This remark applies to the order of Lord Hardwicke in 1743, in consequence of the address of the commons, and the commission from the king. When fees are due to officers, and the rates not fixed, the judges, in very many instances, are obliged by statute law to settle or assess the fees. For at the common law, costs were not given to plaintiffs, though the justices in eire, in assessing damages, usually assessed a sum sufficient to satisfy the costs expended; but the statute of Gloucester is the first principal act, which gives costs, and though only the costs of the writ are taken notice of in this statute, yet the provision hath been extended by construction, to the other charges of suit. Where costs are due, the judges are *obliged* to award them? The sum, or amount of them *must* be ascertained—in this amount are the fees of the officers, which must therefore be ascertained, if not otherwise fixed, by the allowance of the judges. When fees are due, and the rates not fixed, the judges are not only authorised, but obliged by statute to settle the rates, because they are obliged to award costs, a duty they can't perform without ascertaining the fees. I have already observed, that justice can't be administred without the exercise of this authority, the statute law can't be carried into execution without it, and have still the presumption to conclude, that what is essential to the administration of justice, to the execution of law, to the general protection of the people, is not [illegible]ship money, an arbitrary, despotic imposition [illegible]tory from the fundamental principles of a free constitution, though an orator on a table, magno blaterans clamore (sputtering with great vociferation) should bellow out his horrible indignation.

I shall now proceed to examine, such of the objections to the present regulation of fees, as are not already directly obviated, without paying much attention to the flowers, and ornaments of declamation, with which they are most admirably bedecked.

Objection. The act of assembly, which regulated the fees of officers, was temporary, principally on this consideration, that there might be frequent opportunities of correcting and altering the tables of fees; but if fees may be settled by any other, than the legislative authority, upon the expiration of the temporary act, then the regulation of the fees by the temporary act may become perpetual, against the intention of the delegates, who concurred in enacting the temporary law.

Answer. Though such was the motive, as the objection assigns, for making the act temporary, yet, when the act expired, the authority, which existed before the enaction of the temporary law, of course revived, so that the question is, whether there was an anterior authority to settle the rates of the fees due to the officers? which I have already considered. The rates settled by the temporary act might justly be adopted in the new regulation, and very properly, because the most moderate of any, that had ever been established; but the whole regulation could not be continued, because it gave the remedy of execution to the officers. At any time before, or after the expiration of the temporary act, the tables of fees, without doubt, might have been corrected, or altered, by the whole legislature, *not by the delegates alone*, but the operation of the temporary act did not, in any degree, extend beyond its limited duration. Whilst in being, it controuled all other authority; when it ceased, all its controul of any pre-existent authority ceased.

Objection. If the judges have authority to settle the rates of fees, when fees are due, but their rates not fixed, there was no occasion for the parliament to ascertain fees, in a variety of instances. If the judges can settle fees, as well as the parliament, there would " *seem*" to be two distinct powers capable of the same thing, and, " *if co equal*," they may clash. If the legislative branches should disagree, and in consequence of such disagreement, there should not be a regulation of fees by an act, the interposition of parliament may be rendered nugatory, should the want of a legislative regulation be supplied by the authority of the judges.

Answer. Parliament may have peculiar motives for settling fees in various instances—when laws are enacted, requiring the services of officers, the merit of such services are very properly considered, and the reward ascertained. Peculiar penalties, which judges can't inflict on the general principles of law, may be deemed expedient on many occasions. Judges may establish rules of practice in their courts; but the practice of courts has been regulated by parliament in various instances, and without doubt, may be in all. The notion of parliament, and the judges having a co-ordinate power, which might clash in the exercise of it, is too whimsical to require a serious answer. Parliament consists of three branches, and they must all concur to establish laws, and how the judges, by supplying the want of a legislative regulation when there is none, can render the interposition of parliament nugatory, is beyond my conception. The interposition of parliament, declaring the legislative will, is a law, without such a declaration constituting law, there can be no interposition of parliament. The power of the judges will prevail against the declaration, or resolve of one branch of the legislature, because this power is controulable only by a law, and such declaration, or resolve is not a law, nor has it any degree of constitutional efficacy either in prohibiting the exercise of any prior legal authority, or in conferring a right to exercise an authority, not before legal.

Objection. Should the leading members of one branch of the legislature be deeply interested in the regulation of fees, that branch would probably endeavour to obtain an exorbitant provision, which another branch would dissent to. The two branches disagree, and no law is made. A necessity for the judges to act is insisted upon, and they may, " *perhaps*," establish the very fees, perpetually, which one branch condemned as excessive—judges who hold their seats during pleasure.

Answer. I might in my turn, suppose leading members of turbulent dispositions requiring what they expect will be opposed, with the view of having a subject for clamour; who would be of very little importance in times of tranquillity, and order, whose ambition it is—" to ride on the whirlwind, and direct the storm."

The fact, I believe, was, that both branches agreed so far, that if a regulation had been established by an act to the extent of that agreement, the fees settled by the late inspection law would have been reduced on an average, one third—I mean by the alternative extended to the planters to pay in money, or tobacco, and that a regulation of fees, according to the old tables, adopting this alternative, would have given general satisfaction. One branch held this to be a sufficient diminution of fees, the other contended for a greater. The power of the judges, not having been restrained by the superior authority of the legislature, remained in full force. It will not, I trust, be directly affirmed, that the proposition of the one branch, dissented to by the other, has the force of a law, though some consequences, drawn from the resolves of one branch opposite to the sentiments of the other, seem to imply an opinion, that they have some degree of obligatory sanction, which they can't have, if they are not laws: for there is no medium between an obligatory declaration, or resolve of one branch, constituting any rule of conduct, when the subject is such, that the concurrence of all the branches of the legislature is necessary to establish a compleat act, and a full compulsory law. The judges, not having been restrained by the proceedings of the two houses, might, for the reasons explained, adopt the regulation approved of by the one, and condemned by the other. The action, and re-action being equal, no force remained. Their regulation having been established, it may be perpetual; but this depends upon the legislature: for it may be abolished by a law. It is true, that the judges hold their seats during pleasure, but whilst they thus hold them, they have the legal powers annexed to their stations, and their situation is such, that they rather confer a favour upon, than receive any from, government. It is even difficult to prevent their resignation, so little is their dread of removal. We must consider legal consequences, on the principles of the constitution as it is; that it may be very much improved, I have no doubt, by altering the condition of our judges, by making them independent, and allotting them a liberal income, instead of a scanty allowance hardly suffi-

cient to defray their daily expences. Such an alteration, I am perſuaded, would be productive of a very great diminution of the fees both of officers, and lawyers, by promoting the diſpatch of juridical buſineſs, and, of courſe, by diſcouraging litigiouſneſs.

Objection. Though the legality of the late regulation of fees be determinable in the ordinary judicatories, and courſe of proceeding, yet that does not prove any difference between this regulation, and the levy of ſhip-money: for the legality of ſhip-money was determined in the ſame courſe.

Anſwer. This, at beſt, is a weak cavil founded on diſingenuous miſrepreſentation. When the regulation of fees was pronounced to be an impoſition of tax, as arbitrary, and tyrannical, as the ſhip-money, I ſtated each meaſure, to prove their diſſimilarity. I ſhewed that the proclamation iſſued with the profeſſed deſign of prevent ng exceſſive exactions—that it reſtrained the officers—*that there was no enforcement provided or attempted againſt the people*—that the officer was to ſeek his remedy, where every other creditor is entitled to relief—that the effect of the regulation, as to the people's payment, "depended upon its legality determin-"able in the ordinary judicatories," *there being no degree of enforcement, except what ſhould be derived from the law in its regular, ordinary courſe.*—That King Charles having determined to govern without a parliament had, againſt the fundamental principles of a free conſtitution, recourſe to the prerogative for raiſing money on the ſubject, and in purſuance of this ſcheme of tyranny, the ſhip-money was raiſed on the whole kingdom, that writs, directing the collection of the tax, required the ſheriffs to execute the effects of the people, and to commit to priſon all who ſhould oppoſe it, there to remain till the King ſhou d give order for their delivery; but theſe expreſſions, occuring in the ſta e, "its le-"gality is determinable in the ordinary judicatories," are ſelected by the objectors, as if the proof of the tranſactions of the ſhip money tax, and of the regulation of fees, having different principles, and effects, reſted merely on this circumſtance; and moreover, the egregious miſrepreſentation of my argument turns out to be of no uſe in the application, through their extreme ignorance of the ſubject: for the queſtion, reſpecting the legality of the ſhip-money tax was not determined in an ordinary judicatory, and courſe of proceeding.

Objection. There has been no ſuch neceſſity on account of the coſts, as will juſtify the regulation of fees: for if fees are taxes, and taxes can be laid by the legiſlature only, the neceſſity of ſettling the rates ought to have been urgent, and invincible, which was not the caſe; but if the neceſſity was invincible, they, who adviſed the regulation, ought to have ſeen, that it was not occaſioned by their fault; for if ſo, the neceſſity is their accuſation, and not their excuſe. The blame of the ſuppoſed neceſſity is imputable to thoſe, who apprehended a diminution of income by a legal regulation of fees, and have expoſed their country to all the difficulties, and diſtreſs "which the wanton "exerciſe of arbitrary power was ſure to introduce. This objection is principally drawn from ſome publications, on the affair of the embargo in the 6th or 7th year of the preſent King.

Anſwer. The occaſion, and nature of the neceſſity to aſcertain the fees, the officers were entitled to, for the purpoſe of enabling the judges to award coſts, adminiſter juſtice, and execute the laws, have been fully explained, and the queſtion, whether theſe fees are taxes, has been already diſcuſſed in this paper—the fixing of the rates of fees *always due*, I contend, is not a tax, and if not, the objection made on the hypotheſis that it is, of courſe fails. The reaſoning applied, in the publications on the affair of the embargo, to *that ſudden, and peculiar neceſſity*, which, if not immediately provided againſt, would endanger the publick ſafety, it would be eaſy to prove, if not entirely impertinent, is quite foreign to our queſtion. The neceſſity, I mentioned, is that ordinary obligation on thoſe, who act in a judicial capacity, to diſcharge their duty. The neceſſity of awarding coſts flows from the obligation the judges are under to give them by the ſtatute law. The neceſſity of ſettling the rates flows from the obligation they are under by the ſame law to award certain coſts. Whoſe fault it was, that a legiſlative regulation did not take place, in conſequence of the diſagreement between the two houſes, is a queſtion not determinable in any juriſdiction, or by any legal authority, neither branch being amenable to any ſuperior court. Uncommonly indiſtinct muſt the ideas of the objectors be, who confound the authority of a branch of the legiſlature to propoſe, or reject, with the functions of miniſters?

On the queſtion, which of the two branches was blameable, very oppoſite ſuppoſitions may be made, imputations caſt, and with equal decency, and propriety. On the one ſide it has been ſuppoſed, that avarice prevented the regulation of fees, becauſe it would have been productive of a diminution of income—on the other ſide it may be alleged, that a very conſiderable diminution was agreed to, at leaſt of one third, in the alternative to pay in money, or tobacco, and that the imputation of avarice might be caſt by men, diſpoſed to find fault, and who have the arrogance to expect, that their dictate ought to be a rule to govern the conduct of others, if a diminution of two thirds had been agreed to, and their propoſition of a ſtill greater reduction rejected—that if the regulation of the clergy, and officers had been eſtabliſhed on the terms propoſed by the upper houſe, general ſatisfaction would have been given, and therefore this branch deſerves no reproach, who offered their conſent to a meaſure, which, if adopted by the other, would have been thus ſatisfactory—that this regulation was rejected through the influence of men, whoſe aim it was to create confuſion, and popular diſcontents, which they have many opportunities of fomenting by their declamations and harrangues, in which they affirm, with very little ſcruple, what may ſubſerve the purpoſes of pleaſing their vanity, magnifying their importance, celebrating their own pure, and immaculate virtues, and gratifying their ſpleen againſt their political antagoniſts. A declaimer of this kind——

"Confidens, tumidus, adhuc ſermonis amari,
"Siſennas, Barros ut equis precurreret albis." *

——"hic, ſi ploſtra ducenta,
"Concurrantque fore tria funera, magna ſonabit
"Cornua quod vincatque tubas."—— †

muſt ſpeak with great energy, and perſuaſive force. Thus ſuppoſitions may be made, and imputations caſt on either ſide; but they concern not the queſtion whether the regulation of fees always annexed to *old*, or conſtitutional officers, *not granting fees not before due*, but fixing their rates, be a tax, or not.

Objection. The council adviſed the regulation of fees. Such of the provincial judges as were of the council, concurred in the advice. The legality of the regulation may be queſtioned before them, as judges; but this queſtion was, "*in ſome degree*," prejudged by the advice they gave in council. The court of appeals is conſtituted of the council, and the queſtion may ultimately receive a deciſion in this court. The council in Nov. ſeſſion 1770 declined giving an opinion upon the queſtion put by the lower houſe, "whether any officer had been guilty of ex-"tortion by the uſual charges," upon this principle, that "it might come before them for deciſion in the "court of appeals."

Anſwer. Upon the principle of this objection, the judges ought to eſtabliſh no rule, 'till the legality of it is brought in queſtion before them by the conteſt of parties, becauſe the rule would, in ſome degree prejudge the queſtion of its legality, which a party may chooſe to advance, therefore no rules or ordinances ought to be made by the courts, 'till a caſe between A. and B. is brought before them, and lawyers heard pro, and con, on the legality of them. This objection is, to be ſure, very ingenious, though an obſervance of the method ſuggeſted is liable to the dull exception, that it would promote litigation, and a conſiderable conſequential expence. The judges, without paying a *juſt* regard to the principle, have ſettled the rates of fees; they have occaſionally informed themſelves, *by impanelling a jury of officers*. The rates of fees have been ſettled in conſequence of a royal commiſſion iſſued on the addreſs of the commons—the commons in 1752 thought the eſtabliſhment of fees, the proper means of preventing exceſſive exactions. Various orders, and regulations of practice have been eſtabliſhed by the courts, frequent have been the conferences of the judges for the purpoſe of ſettling general rules, and an uniformity of conduct. Judges have been called upon, in council, to adviſe their ſovereign on queſtions of law. Judges, in inferior juriſdictions, have acted as judges, in the houſe of lords in the ſame cauſe. In all the caſes put, the objection would apply with equal force; but, I ſuſpect, he would be deemed to be rather an odd ſort of a perſon, who ſhould make it, in any of them—it would be a very difficult thing, ſuch are the *narrow* prejudices of judges, to eſtabliſh the *liberal* ſentiment—expedit reipublicæ ut *(non)* ſit finis litium, (it would be of publick advantage to have no end to ſuits,) and bring into contempt the adage, miſera eſt ſervitus, ubi jus eſt vagum, (wretched is the ſlavery where the law is unſettled.) The queſtion put by the lower houſe, and which the upper declined anſwering, related to the conſtruction of an act of aſſembly, and tranſactions under it, whether certain charges were criminal or not, and conſequently whether *penalties had been incurred, or not*. The principle, on which the upper houſe acted, will beſt appear from their own words ‡. The regulation of fees was *in proſpect*, the queſtion was put to obtain an anſwer, *with retroſpect*. The one to preſcribe a rule for the *future* conduct of officers, the other to draw a cenſure, of what *they had done*.

Objection. Two of thoſe, who adviſed the governor, were intereſted, and if a ſuit be brought before twelve judges, and two of them plaintiffs, ſhould thoſe two ſit in judgment on their own caſe, and deliver their opinions in favour of their own claims, the judgment would be void. Beſides in the preſent caſes the other adviſers might be ſwayed by the proſpect of a remote intereſt. The governor, as chancellor, might decree his own fees, under his own regulations or refuſe to affix the ſeals, without immediate payment.

Anſwer. This is putting one caſe, in the place of another of a very different nature. The adviſers of the proclamation, reſtraining the officers, did *not act in the capacity of judges*; it flowed from the governor's authority over officers removeable by him, and as I have already ſaid, his conduct was not to be directed by the votes of the majority of the adviſers, they having no authoritative influence. I have already ſhewn that Lord Hardwicke had the advice, and aſſiſtance of the maſter of the rolls in ſettling the tables of fees, in which the fees, due to the latter, were included—that officers, and clerks of the courts have aſſiſted the judges in their eſtabliſhment of tables of fees. Their opinions were not binding, but their information was called for. The authority to regulate was repoſed in the chancellor, and judges, and the eſtabliſhments flowed from *their* authority. As to the ſuppoſition that the other adviſers might be ſwayed by their proſpects, it is of ſuch a kind, that it may be applied on all occaſions—it may be applied to the *moſt violent demagogues*, and *experience* would give it a colour. The abſurdity in ſuppoſing, that the governor is included in a proclamation threatening thoſe officers with *his* diſpleaſure, who ſhould not obey *his* orders, has been ſufficiently expoſed. If he ſhould have occaſion to ſue for fees due to him as chancellor, he could not, in the court, where he is the ſole judge. He receives his fees now, and would be equally entitled to receive them if the proclamation had not iſſued. This part of the objection is not more extraordinary, on account of the extreme ignorance it betrays, than on this, that the fee for the ſeals was the ſame in all the propoſed regulations.

Objection. Any perſon, the *leaſt* acquainted with the arguments in favour of ſhip-money, and the diſpenſing power, will perceive that Antilon's defence of the regulation of fees is a repetition, and revival of them "tricked off in a new dreſs to hide their defor-"mity, the better to impoſe on the unthinking and "unwary."

Anſwer. A perſon, the *leaſt* acquainted with thoſe arguments, may *imagine* they have been revived; but no one, *well*, or *even a little* acquainted with 'em, can. The aſſertion of the objectors is at random. They might as well have called the defence, a papal anathema, or bull in cœna Domini—ſuch imputations, unſupported by proof, would almoſt diſgrace the character of a ſpouting declaimer, too contemptible to be regarded.

Objection. That the argument from precedents doth not prove the right; it proves nothing more than a deviation from the principles of the conſtitution, in thoſe inſtances, wherein the power hath been *illegally* exerciſed—that the inference from the precedent in New-York ought to be treated with great contempt, perhaps, even with ſome indignation, and a pamphlet is quoted to ſhew, that the argument from precedents is inconſiſtent with the doctrine advanced by the author of it. The quotation is too long to repeat here, and therefore I refer the reader to the Citizen's laſt letter.

Anſwer. This pointleſs ſhaft hath been before thrown, without reaching the object; and "*if I com-"prehend it right*," there would be no difficulty in aſcertaining the quiver, whence it was ſupplied.

"The uſe of precedents muſt be perceived, when "the inconveniencies of contention, which flow from "a diſregard of them are conſidered, and eſpecially "when they are ſeverely felt; when we reflect, that "the intercourſe of the members of political bodies, "the meaſures of juſtice in conteſts of private proper-"ty, the prerogatives of government, and the rights "of the people are regulated by them." See the meſſage from the upper houſe, December ſeſſion 1765.

But I moſt readily admit that, "if what has been "done, be *wrong*, it confers no right" to repeat the wrong, that "*oppreſſion*, and *outrage* can't be juſti-"fied by inſtances of their commiſſion," and that "*if* "a meaſure be *incompatible with the conſtitutional rights* "*of the ſubject*, it is ſo far from being a *rational* argu-"ment, that conſiſtency requires an *adoption* of the "propoſed meaſure, that, on the contrary, it ſuggeſts "the ſtrongeſt motive for *aboliſhing* the precedent, and "therefore when an inſtance of *deviation* from the "conſtitution is preſſed, as a reaſon for an eſtabliſh-"ment *ſtriking at the root of all liberty*, it is inconclu-"ſive."

The precedents, I have cited, directly apply. I have not attempted to draw any conſequences from them, in ſupport of a "meaſure incompatible with "the conſtitutional rights of the ſubject, or an eſta-"bliſhment ſtriking at the root of all liberty." The common law reſults from general cuſtoms, precedents are the evidences of theſe cuſtoms, judicial determinations and deciſions the moſt certain proofs of them, and the arguments therefore from precedents, the practice of courts, the deciſions of judges reſpectable for their knowledge, and probity, and from the convenience of uniformity, are of great weight. I have proved that juſtice can't be adminiſtred, nor the laws duly executed without a ſettlement of the rates of fees, that an authority to ſettle them is neceſſary to the protection of the people, who, if officers were not reſtrained, would be expoſed to the hazard of very great oppreſſion. The *concluſion*, I confeſs, is *not very favourable to the liberal* ſentiments, and *generous* views of *thoſe, who are adverſe* to the *narrow* reſtrictions of *ſyſtematical certainty*, and, *if allowed to chooſe their ground*, would, like Archimedes, undertake to turn the world, which way they pleaſe.

"*You* knew *me* of *old*." *You* have the advantage, if *your memory* hath not been impaired, for *I* did not know *you*, and *yet* Cimex, you have my wiſh,

——ut dique, deæque,
Veſtrum ob conſilium, donent tonſore—*

take back your ſhaft, and preſerve it. There may be a future occaſion, for its uſe.

Objection. If fees may be ſettled at one time, they may be increaſed at another, as happened in the year 1739, when the fees of ſheriffs were increaſed by proclamation.

* "Confident, and boiſterous, of ſuch bitterneſs of ſpeech "that he would outſtrip the Siſennæ, and Barrs (moſt in-"famous for their virulence) if ever ſo well prepared to "exert their talent."

† —"When two hundred waggons croud the ſtreet,
"And three long funerals in proceſſion meet,
"Beyond the fifes, and horns his voice be raiſes,
"And ſure ſuch ſtrength of lungs a wonderous praiſe is,"
FRANCIS.

‡ "The queſtions, as you have propoſed them, are of a "very extraordinary nature, and of a tendancy inconſiſtent "with the ſpirit of our conſtitution. The reſolves, or de-"clarations of one, or both houſes, however aſſertive in "opinion, and vehement in expreſſion, are not laws, nor "ought they to be promulgated to influence the determination "of the legal appointed courts. Juries, and judges ought "there to give their deciſions without prejudice, or bias. "Whether any officer has been guilty of extortion, is a "queſtion, which neither your, nor our declaration ought "to prejudicate; but that our declarations held out to the "publick would have, in no ſmall degree, this effect, can "hardly be doubted, and on our part, particularly ſuch a "declaration would be the more improper, the laſt legal "appeal in this province being to us: it would be to anti-"cipate queſtions before they come to us through their regu-"lar channels, to decide firſt, and hear afterwards."

* ——"may the powers divine,
"For this ſame friendly aſſiſtance of thine,
"Give thee a barber in their ſpecial grace."

Anſwer. The end, or deſign of ſettling fees being once accompliſhed, I apprehend, on the principles I have fully explained, that the rates of them can't be altered, and therefore, if the fees of ſheriffs were increaſed in 1739, the meaſure was wrong; but I don't know, or believe that the fees of ſheriffs were increaſed in 1739, having ſearched for the proclamation without being able to find it. In 1735 there was a petition from ſeveral ſheriffs to the Governor in council for an allowance of ſeveral fees, alleged to have been *omitted* in the table, ſettled by the proprietary in 1733, and always eſtabliſhed, and allowed either by acts of aſſembly, or by the governors in council, and the fees ſo omitted were particularized in an annexed ſchedule. The order on this petition was, that ſuch of the fees omitted in the table, as had been ſettled by any act of aſſembly, or former order, ſhould be allowed to the ſheriffs for their ſervices, and *no more*. If this be the order meant by the objectors, it does not juſtify the idea they would convey, that the ſheriffs fees *ſettled* by the proclamation in 1733 were *afterwards increaſed*: for the order extended *only* to the fees *omitted* in the table, ſettled by the proprietary.

Objection. If there was originally an authority, in this province, diſtinct from the legiſlative, to ſettle fees, that authority has been relinquiſhed, becauſe, as far back as 1638, a law paſſed for the limitation of the fees of officers, and, in 1692, the Governor's power to ſettle fees was expreſſly denied by the lower houſe; who inſiſted, that "no officers fees ought to be impoſed "upon them, but by the conſent of the repreſentatives in aſſembly, and that this liberty was eſtabliſhed, and aſcertained by ſeveral acts of parliament, and produced the ſame with ſeveral other authorities. To which the Governor's anſwer was, that his inſtructions were to leſſen, and moderate exorbitant fees, and not ſettle them. To which the ſpeaker replied, that they were thankful to his Majeſty for the ſame, but withal deſired that no fees might be leſſened, or advanced, but by the conſent of the aſſembly, to which the Governor agreed, and an act paſſed the ſame ſeſſion for regulating officers fees." And "fees in this province have been generally ſettled by the legiſlature."

Anſwer. When the Governor, in 1692, undertook to regulate fees, there *was an act of aſſembly for the purpoſe*, and *therefore* he had no authority. When the laſt proclamation iſſued, there was *no* act of aſſembly. There was no act of parliament in 1692 to prevent the ſettlement of fees by an authority diſtinct from the legiſlative, when an act of the legiſlature does not exiſt, by which fees are ſettled; but there were various ſtatutes, and authorities to prove, that the ſupreme magiſtrate *can't controul the operation of an act of the legiſlature*. That this branch of the argument may be the better underſtood, I ſhall proceed to ſhew, how fees have generally been ſettled in this province, obſerving in the firſt place, that the charter, under which we derive the power of making laws, contains a grant to Lord Baltimore of "all rights, juriſdictions, prerogatives, royalties, and royal franchiſes, in as ample a manner, as any biſhop of Durham, within the county palatine of Durham, then, or, at any time before, had." And alſo of power "to appoint judges, juſtices, magiſtrates, officers and miniſters, and to" do *all, and every other thing* belonging unto the compleat eſtabliſhment "of juſtice, courts, tribunals, and forms of judicature, and manner of proceeding."

"Between 1633, and 1637, the officers appointed "by Lord Baltimore, or his Governors were authoriſed by their commiſſions to demand, and receive "ſuch fees, as were uſually paid in England, or Virginia for ſimilar ſervices.

In 1637, a bill for fees was framed, but not paſſed, in 1638 an act paſſed, in which there is this clauſe "all fees ſhall be paid according to a bill upon the record of this aſſembly, viz." that of 1637. In March 1641, it was continued to the next aſſembly, in 1642, *the day after the ſeſſion of aſſembly*, a table of fees was ſettled, and publiſhed by the governor, and council, the act having expired, in 1669, on the petition of J. Gittin , for ſettling the fees of the clerk of the aſſembly, the Governor, and council ordered that he ſhould receive treble the fees of a county clerk. "In the "year 1676 an act paſſed for limitation of officers fees; "but before the act was framed the lower houſe were "acquainted in a meſſage from the upper that the "chancellor's fees were, ſettled by the then late proprietary, and his preſent lordſhip would not conſent "to an act for ſettling the ſame, it being his prerogative; but that the liſt might be recorded in the "journals of the houſe—whereupon the lower houſe "voted, that they did not deſire to intrench on his "lordſhip's prerogative; but all they aimed at was, "that the inhabitants might *certainly* know what fees "they had to pay, and ſince nothing could be more "reaſonable, than that the ſame ſhould be ſettled, and "publiſhed, *they requeſted his lordſhip to aſcertain the "fees of all* his officers, and that fair liſts thereof "might be drawn out with his lordſhip's aſſent, and "copies ſent to the county courts to be publiſhed, and "recorded, and *that an act might be drawn up for "fining every officer exceeding the ſame.*" Purſuant to this the perpetual act of 1676 paſſed with this proviſo, "if any fees belonging to the ſeveral officers, and by "the proprietary, or governor, *ſo allowed, and adjudged*, and not in this act mentioned, then it ſhall "be lawful to have ſuch fees as the proprietary and "council ſhall allow, and no more; under the penalty &c." and there is a ſimilar proviſo in the other acts to the year 1725. In 1692, in a bill from the lower houſe for recording conveyances, the clerk's fees for the ſervice were rated, to which the upper objected, that "the ſettling of fees is a matter veſted "by their Majeſties in the governor with the advice "of the council." The indefinite act of 1676 fell under the general repealing act of 1692.

"Governor Copley was empowered by his commiſ"ſion, and inſtructions from the crown to ſettle with "the council, the fees of officers. In the commiſſion "from their Majeſties to Mr. Blackiſton, in 1692, to "be commiſſary general, he was impowered to receive "all ſuch dues, and fees belonging to his office, as "ſhould be ſettled by their Majeſties, or their captain "general, and council." "Governors Nicholſon, "Blackiſton, Seymour, and Hart, the ſucceſſive go"vernors, after Copley, appointed by the crown, till "Lord Baltimore was reſtored, were alſo reſpectively "empowered to ſettle the fees of officers." I have already obſerved, that the fees of officers in New-York are ſettled under a royal commiſſion—In 1733, the temporary act that regulated fees having expired, Lord Baltimore, in council, ſettled tables of fees, and the rates, thus ſettled, were adopted by all the courts, and in all their judgments, and decrees prevailed as the rule, in awarding coſts from 1733 to 1747, when the firſt inſpection act paſſed. I have already taken notice of a decree of Mr. Ogle, ordering fees to be paid according to his lordſhip's ſettlement—in 1739 the upper houſe inſiſted, that "the proprietary's au"thority to ſettle fees, *when there is no poſitive law for "that purpoſe*, is indiſputable, and apprehended the "exerciſe of ſuch authority to be agreeable to the "ſeveral inſtructions from the throne to the reſpective governments." In 1755, the proprietary, aſſerted his authority to regulate fees, and objected to the inſpection act, becauſe the fees of officers were regulated by it, and the lower houſe being informed of it, in their addreſs to the governor expreſſed their concern that, "a regulation of fees agreed upon *after the moſt mature "deliberation*, that had ſubſiſted *for five years*, been "*revived*, and *continued*, ſhould be objected to by his "lordſhip, and declared it to be their opinion, that "the parts of the act, reſpecting officers fees, and "foreign coins were of *great advantage*, and *highly "conducive to the eaſe, and quiet of the people*." Such were the ſentiments of the lower houſe in 1755.

It appears, I preſume, from theſe proceedings, there is but a very ſlight foundation for the objection, that there has been a relinquiſhment of any original authority to ſettle fees—temporary acts, after their expiration, ceaſe to have any controul, and even theſe acts are the leſs material, on this account, that the regulations of fees by them had an effect, which no authority but the legiſlative could give: for as it might be inconvenient to many people to pay the officers immediately for their ſervices, and to the officers, when they give credit to thoſe who employ them, not to have feſtinum remedium (a ſpeedy remedy) for the recovery of their dues, the ſeveral acts, regulating the fees of officers, have required a credit to be given, and allowed the fees to be collected by execution. I did preſume to ſay in my laſt letter, that "the ſame "authority, diſtinct from the legiſlative, which hath "ſettled fees, may ſettle them, when the proper occa"ſion of exerciſing it occurs," having the countenance of the maxim, "ubi eſt eadem ratio, ibi eſt eadem lex" (where there is the ſame law, where there is the ſame reaſon) and if maxims are diſputed, there can be no end to controverſy: for they can't be proved per notiora. (By any thing more known, or certain.) If it be ſaid that the maxim has not been denied, I muſt obſerve that the attempt then was to evade it: for my poſition is not, that *new* fees may be impoſed by the judges, but that, *when fees are due*, under a *right, coeval* with *the original inſtitution of the offices*, and the *ſum*, or *rate is not otherwiſe fixed*, it *may* be ſettled by the judges; that their authority in this is neceſſarily incident to their offices, and that they can't diſcharge their duty without an actual exerciſe of it.

The objectors have drawn all the inferences they could, to favour their purpoſe, from every precedent they have been able to collect, and yet, when apprehenſive the argument would be retorted, they would have the proofs from precedents diſregarded. Their definition of liberty, if correſponding with their conduct, I ſuſpect, would be "a licence to ſay, and do, as they "pleaſe, with a power to controul the words, and "actions of others."

Objection. If the fees of ſome of the officers ſhould not be occaſionally reduced, they would in time exceed the governor's income.

Anſwer. Such an event is not probable. As the governor's income muſt alſo increaſe, with the increaſe of fees, the trouble, and expence muſt increaſe. Stated ſalaries would prevent this effect. Such ſalaries were propoſed by the upper houſe, and rejected by the lower.

Lord Coke, and ſerjeant Hawkins have beſtowed great commendations on this mode of proviſion, becauſe officers, having *ſtated ſalaries*, would be under no temptation to increaſe, or multiply fees; but our *wiſer* men determined differently. The attorney, and ſolicitor general of England, ſerjeant Wynn, and Mr. Dunning have *preſumed* to be of opinion, that there may be a regulation of fees, in Maryland, without an act of aſſembly; but our *wiſer* men have *declared* the contrary, and who will be ſo "*daring*" as to queſtion *their infallibility*. "Homines indicium peritiſſimi in"veſtigatores, veri juris, et germanæ juſtitiæ ſolidam "effigiem tenentes, non ſcientiarum umbras, et ima"gines ſequentes."*

Having examined the legal reaſoning, with which the profound knowledge, eminent candour, and immenſe patriotiſm of his learned, and very worthy aſſociates have ſupplied him (aſſociates whoſe honeſt indignation is naturally rouſed by *every breach* of the *laws*, which have been *ordained, in the cleareſt* terms, to prevent *exaction of exceſſive fees*, becauſe *they* have exhibited the moſt *conſpicuous* examples of *their own pure moderation, and ſtrict obſervance of them*) I ſhall now more immediately addreſs the firſt Citizen.

"His grave obſervation, that the prince, who "places an *unlimited* confidence in a *bad* miniſter, *runs* "*great hazard* of having that confidence abuſed &c." has the *merit of being true*.

"Ille magno conatu magnas nugas dixerit."

(" The man in troth, with much ado,
" Has found that one, and one make two.")

But I muſt, in the moſt direct terms, contradict all his aſſertions of the influence of a miniſter in Maryland; aſſertions moſt infamouſly falſe, dictated by the moſt corrupt heart, and perſiſted in with the moſt profligate, impudence. It is very merciful, indeed, that "he has not compared Antilon, with Sejanus"—that he has not inſinuated there is an Apicius, dives, et prodigus, and included ſtuprum &c. and that he has only referred to ſome qualities in the character of Sejanus, which I have the comfort to know are moſt oppoſite to the character of Antilon. How plainly do ſuch foul emanations indicate their putrid ſource! Should I, Mr. Citizen, repreſent you to be a man "tetra inflatus libidine, et conſuetus alienas permo"lere uxores." (of the moſt abandoned luſt accuſtomed to debauch other men's wives) and refer the gentle reader to Trivetas's character of Clodius, would you not be apt to exclaim, "I debauch other men's "wives! At what calumny will falſhood, and malice "ſtop? I debauch other men's wives! Nothing in the "world can be more remote from my character.

——" Unde petitum"
" Hoc in me jacis? Eſt auctor quis denique eorum
" Vixi cum quibus?
(" Is there, with whom I live, who know my heart?
" Who taught you how to aim your venom'd dart.")

——" Mea ſufficit una."
(" I am no lover.") Indeed, Mr. Firſt Citizen, I don't believe you are, any more than I believe you to be a man of honour, or veracity.

Your aſſertion that the proclamation proceeded from the advice, and overruling influence of one man, I have moſt expreſsly contradicted. The governor's declarations have contradicted it. The members of the council know it to be abſolutely falſe—many of them have already avowed the part they took in the meaſure, and expreſſed their reſentment of the indignity of your imputation. What I have advanced on this topic is a direct appeal to thoſe, who are acquainted with the tranſaction, and the *only* perſons acquainted with it, and ſtill you perſiſt in your aſſeverations, as if you expected, that the moſt pertinacious impudence would cover the deformities of the baſeſt malignity, and moſt profligate mendacity.

" Multa malus ſimulas, furiatâ mente laboras,
" Improbus, & ſtultus nullo moderamine vinctus
" Virtutis——
(" The knave and fool together join'd,
" No rules reſtrain, no tie can bind,
" Perpetual ſlave to fraudful art,
" Whilſt rage, and malice ſwell your heart.")

My appeal, he alleges, is with the view of "engaging "the governor, and council in my *quarrel*." A man is charged with being the ſole author of a meaſure publiſhed as the act of ſeveral perſons, and theſe *only* are acquainted with the origin, progreſs, and concluſion of it. The accuſer was not only no party in the meaſure; but was entirely excluded from all knowledge of the manner, in which it was conducted. The accuſed appeals to thoſe who were concerned in, and perfectly acquainted with, the whole tranſaction, and this appeal is attributed to the motive of engaging them in his quarrel. Again—the members of the council, the accuſer ſuggeſts, "though ſenſible men, "may have been *outwitted*," but they muſt ſtill continue under the deluſion, if they were "*outwitted*," or they would not, as men of honour, avow their opinion of the legality, and expediency of the meaſure, and that they were equally concerned in it with the accuſed. If they have diſcovered, that they were "*outwitted*," their conduct would be very different; they would naturally expreſs their indignation againſt the man, who had deceived them—To what an aſtoniſhing pitch of impudence has this Citizen arrived! The abſurd application of the maxim, "the king can "do no wrong," to the governor (" *becauſe he is "youthful and unſuſpicious*") accountable for his conduct, and puniſhable by ſtatute for acts of oppreſſion, has been already ſhewn; but the Citizen, in his laſt gallimaufry, has introduced another maxim, as he calls it, that "the king's ſpeech is the miniſter's," and applied this to the governor (" *becauſe youthful and "unſuſpicious.*") There is no end to ſuch babbling—

——" break one cobweb through,
" He ſpins the ſlight, ſelf-pleaſing thread anew:
" Deſtroy his lie, or ſophiſtry, in vain,
" The creature's at his dirty work again."

What anſwer ſhould I give, if hereafter he ſhould think proper to aſſert, that the governor ought to be choſen by the council out of their own body, becauſe the pope is choſen by the cardinals. He has given ſome ſmart proofs of a verſatile genius. Though a papiſt by profeſſion, he can be an advocate for the eſtabliſhed church of England, when he ſpeaks of the revolution. Such is his addreſs, that he may hold one candle to St. Michael, and another to the dragon.

"You knew me of old." Indeed. Pray, when did our acquaintance begin, how has it been improved into knowledge? Perhaps your knowledge has been gathered in your flights, when you was gifted with the powers of Ariel. Hard is it upon a poor mortal to encounter ſuch ſupernatural intelligences. "I have "always fathered my miſchievous tricks upon others" —roundly aſſerted; but what proof have you? An unhappy wretch you are, haunted by envy, and malice.

" Invidiâ Siculi non invenere tyranni
" Majus tormentum"——
(" Sicilia's tyrants could not ever find
" A greater torment, than an envious mind.")

"I want to engage you in a quarrel with the gover"nor, and council." I have, indeed, been led by your falſe, and impudent accuſations to take notice of the publick inſult you had offered them; but *the know-*

* *The moſt ſkilful* index-hunters, *poſſeſſed of the ſolid model of true law, and genuine juſtice, not followers of the ſhadows, and illuſions of* ſcience.

ledge of *their own conduct*, and *the feelings* of *their own honour*, not my ſuggeſtions, or inſtigation, will influence their behaviour towards you. I have no ſpleen againſt Mr. Hume (as you have foolishly ſuppoſed) by whom I have often been entertained, and whoſe ingenuity, and literary talents I admire; but that his hiſtory is a ſtudied apology for the Stuarts, and particularly Charles the firſt, all men, converſant with the Engliſh hiſtory, and conſtitution, and not blinded by prejudice muſt acknowledge. Without having recourſe to the "letters written upon his hiſtory," I could point out very many inſtances to fix this character, if ſuitable to the deſign, and limits of this reply. The bill of rights, which Charles the firſt endeavoured to evade by mean prevarication, ſhews that the conſtitution was moſt clearly ſettled in the very point infringed by the ſhip money levy. That the abdication "*rather* followed, than preceded the revolution," is the aſſertion of ignorance, or prejudice—the very defence of jacobitiſm. The principle of it was ſtated in my former letter, from the reaſoning of Hampden, Sommers, Holt, Maynard, and Treby. The Citizen may profeſs his attachment to the principles of the revolution, his regard for the eſtabliſhed church of England, and his perſuaſion that it is inconſiſtent with the ſecurity of Britiſh liberty, a prince on the throne ſhould be a papiſt, and expect his aſſurances (though he is a papiſt by profeſſion) will be credited, becauſe, as he informs us, "his ſpeculative opinions, in matters of "religion, have no relation to, or influence over, his "political tenets;" but we are taught otherwiſe and put upon our guard by our laws, and conſtitution, which have laid him under diſabilities, becauſe he is a papiſt, and his religious principles are ſuſpected to have ſo great influence, as to make it unſafe to permit his interference, in any degree, when the intereſts of the eſtabliſhed religion, or the civil government, may be concerned. When, in the ardour of his zeal, the Citizen aſcribed to the reſolves of one branch of the legiſlature an operation, which is the attribute only of a perfect legiſlative act, to check his temerity, I referred to former reſolves of the ſame branch, on a ſubject, towards which, I imagined, he was not indifferent, and left him to reflect, what would have been the conſequence of theſe reſolves, *on his principle*.

The Citizen's remark, on this intimation, is in general, evaſive words, his uſual manner. "The unprejudiced will diſcern a wide difference between "the two proceedings"—popery and officers fees were not compared. The force of the reſolves was the conſideration, not the ſubjects of them; and whatever conſtitutional force reſolves may have on the ſubject of officers fees, the ſame they can't but have, on the ſubject of popery; but ſays the Citizen, "meminimus & "ignoſcimus"—"*we* remember, and *we* forgive." This is rather too much in the imperial ſtyle. *We!* It is as little my wiſh, as the Citizen's, to rekindle extinguiſhed animoſities; tho' I think his conduct, very inconſiſtent with the ſituation of a man, who owes even the toleration, he enjoys, to the favour of government. His threats, of what the next aſſembly may do, as if his influence would ſway, his aſſiſtance be ſought, or his advice admitted, in the proceedings of the delegates, notwithſtanding he is not even allowed by our conſtitution to vote for, or, in any manner, to interfere in the choice of, a delegate, are extremely impertinent. If, indeed, there ſhould be a meeting of very different perſons, at a very different place, Stentor, animated by the "ear-piercing fife, and ſpirit-ſtirring drum," and "mounted high on ſtage or table," might perform wonderous feats, *demonſtrate by loud aſſertion*, and *condemn by furious obloquy*, his exertions invigorated by the applauſes of ſurrounding admirers.

——"Magno veluti cum flamma ſonore
"Virgea ſuggeritur coſtis undantis aheni,
"Exultantque æſtu latices; furit intus aquæ vis
"Fumidus, atque alte ſpumis exuberat amnis;
"Nec jam ſe capit unda, volat vaporater ad auras."
——"As when to the boiling cauldron's ſide
"A crackling flame of bruſhwood is apply'd,
"The bubbling liquors there, like ſprings, are ſeen
"To ſwell, and foam to higher tides within,
"Above the brims they force their fiery way,
"Black vapours climb aloft, and cloud the day."

I ſhall ſtill adhere to the document of Minucius, "let "us not wiſh to injure thoſe, who do not wiſh to in"jure us," and I ſincerely believe, that there are but few papiſts, natives of Maryland, who are not juſtly entitled to indulgence, on this principle. The Citizen's expoſition of the quotation exceeds his uſual abſurdity, and is too contemptible for animadverſion.

I ſhewed at large the Citizen's ſcandalous miſrepreſentation of Petyt, and what is his anſwer? He could not mean to miſlead, becauſe he referred to the jus parliamentarium, ſo that the reader was to turn to the work (which is in the hands of very few) to eſcape deception. Again—in anſwer to the rebuke I gave him for the extreme ignorance, his reflection on the proceedings of the houſe of commons in 1752 betrayed, he denies that he meant what his words imported. The commons enquired into the abuſes committed by officers, and the Citizen's reflection on this proceeding was in theſe words, "if *the commons* had a right to en"quire into the abuſes committed by the officers, "*they* had (no doubt) *the power* of correcting thoſe "abuſes, and of eſtabliſhing the fees, had *they thought it proper*." His extreme ignorance having been expoſed, he ſeeks to cover it by this pitiful prevarication, that he did not ſay the *commons, alone*, but that *the commons* had the power, and meant that *they* had *not* the power, but with the concurrence of the other branches—for ſhame! I ſaid in my laſt letter, that the Citizen had been conſtrained to admit, fees had been ſettled by the judges; but this he denies, and quotes a paſſage from his letter, to which I did not allude, to juſtify his denial. I had obſerved, "if the idea of "tax be proper, then fees can be ſettled in *no* inſtance, "except by the legiſlature; but, the Lords, the com"mons, the courts of law, and equity in Weſtminſter-hall, the upper, and lower houſes in Maryland "have each of them ſettled fees." Having himſelf quoted this part of my letter, his words are, "*they* "*have ſo*." Was not this then a direct admiſſion? How pitiful the evaſion, when he was preſſed with the conſequence of his direct admiſſion?

He having quoted Monteſquieu, I obſerved, how crude the Citizen's ideas of the Britiſh polity were, and ſhewed how little countenance was given to his ſuggeſtions by that celebrated writer; but let him have his way, and he will always have an anſwer in ſome tiny evaſion, or puny cavil—"Aptilon's ſtric"tures on the Citizen's crude notions fall entirely "(ſays he) on Monteſquieu, and the writer of a pam"phlet."

——"Velut ægri ſomnia, vanæ
"Fingentur ſpecies"——
——("He, like a ſick man's dreams,
"Varies all ſhapes, and mixes all extremes."

But here I take my leave of him, till he ſhall have made a new collection of law from the bounty of his learned aſſociates in politicks, as little ſchool-boys do of *ſenſe*, by *begging it* of their ſeniors, when their maſters ſet them themes. "Id maximè quemque decet, "quod eſt cujuſque ſuum maximè." (that moſt becomes a man, which is moſt properly his own) was the ſaying of a wiſe man; but a fool may chooſe,

——"in florid impotence to ſpeak,
"And, as the prompter breathes, like a poor pup"pet ſqueak."

ANTILON.

P. S. The Firſt Citizen has admitted my account of the ſhip-money to be, "*in the main, true*, and yet "*(he ſays)* it is *not entirely impartial: for* there *may* be "a relation of *facts, generally true*, and *yet* by *ſuppreſſ*"*ing* ſome circumſtances, the writer may either *exagg*"*erate*, or *diminiſh*, and, *ſo, greatly alter their charac*"*ter*, and *complexion*." Thus, reader, according to this Citizen's *conſcience*, an account of a tranſaction may be, "*in the main*," or *ſubſtantially*, true, though "the *character*, and *complexion* of it be *altered* by *ex*"*aggeration*, or *diminution*"—unwarily, has he betrayed the principle, on which he has *affirmed*, or *denied*, with the *moſt infamous mendacity*.

To Meſſieurs THOMAS SPRIGG WOOTTON, CHARLES BEATTY, JONATHAN HAGAR, and HENRY GRIFFITH.

Gentlemen,

I BEG you will preſent my ſincere, and grateful thanks to your conſtituents, the freemen of Frederick county, for the publick declaration, with which they have been pleaſed to honour my attempts to expoſe the dangerous tendency of the proclamation for ſettling officers fees. Convinced of its illegality, I rejoice to find that I have ſucceeded in convincing others. As I am perſonally known to very few of your conſtituents, their approbation cannot be ſuppoſed to flow from intereſted motives, or the partiality of friendſhip, but muſt be conſidered as the pure reſult of the generous ſentiment, that they, who in defence of publick liberty have expoſed themſelves to the malice, and reſentment of men in power, ought to meet with the publick encouragement, and ſupport.

I ſhould betray the utmoſt ingratitude, were I not duly ſenſible of the very obliging manner in which, gentlemen, you have communicated your ſentiments, and thoſe of your electors, to

Your moſt obliged,
And obedient ſervant,
The FIRST CITIZEN.

To Meſſieurs BRICE T. B. WORTHINGTON, THOMAS JOHNSON, jun. SAMUEL CHASE, and JOHN HALL.

Gentlemen,

THE man, who acts on publick principles is moſt charmed with publick applauſe, the nobleſt of all rewards. Wealth, title, and power, which a monarch may beſtow, are contemptible compared to the praiſes of one's country. Men perverted by ambition, or avarice, may think differently; if endued with ordinary capacities, we pity or deſpiſe them; if diſtinguiſhed by ſhining abilities, we regret the miſapplication of talents, which might be greatly ſerviceable to the community, and dread the baneful influence of paſſions incompatible with the general good.

The commendations with which the freemen of Anne-Arundel county have thought proper to reward my oppoſition to an arbitrary exertion of prerogative, are highly flattering; I ſhall ever retain the moſt grateful ſenſe of the obligation, which they have conferred on me, heightened by the publick teſtimony of your approbation. I remain with the greateſt reſpect,

Gentlemen,
Your moſt obliged,
And humble ſervant,
The FIRST CITIZEN.

HAGUE, *March* 1.

WE have learnt here, that an Engliſh ſhip, employed in the Greenland fiſhery, has ſailed ſo far as to the 84th deg. N. conſequently was not more than ſix degrees from the pole, where are united all the meridians of the earth. The ſea at this latitude was found calm, free from ice, and might be navigated with the greateſt ſafety. We are aſſured that, in conſequence of this eſſay, which is moſt certainly fact, ſome Engliſh gentlemen (among whom is Mr. Bankes, already known by his voyages) are determined to ſail this year towards the pole, from whence they intend to ſail weſtward, towards America, and particularly to try to gain the coaſts of California. If another nation, equally anxious for the glory of diſcoveries, ſhould attempt to terminate the voyage of Baron de Benyoſki by the way of Kamtſchataka, two paſſages may be diſcovered inſtead of one, and there may probably be found two routs to the Indies by the north, as there are already two by the ſouth, one by the Cape of Good Hope, and the other by the way of Cape Horn.

PARIS, *March* 16. They write from Marſeilles, that at a country houſe where ſome proteſtants uſed to meet, near Notre Dame de la Garde, all the benches, books and pulpit, were lately burnt by order of the parliament of Provence, and the doors and windows of the houſe faſtened up. The miniſters who officiated at theſe meetings are put in priſon at Aix, and will be proſecuted.

LONDON.

March 23. From authority, ſo truly reſpectable as to render the fact paſt diſpute, we are deſired to acquaint the publick, that the triple alliance between Great Britain, France, and Spain, has been long upon the tapis, but is now finally and concluſively ſettled. This alliance is entered into in order to form a counterpoiſe againſt the northern confederacy, and was ſuggeſted as the beſt expedient in the ſcheme of politicks, for preſerving the European balance of power.

Lately died, near Corke in Ireland, James M'Donald; he was 117 years and two months old, and of uncommon ſtature, being ſeven feet ſix inches high. When in health, he could eat four pounds of ſolid meat at a meal, and drink in proportion of ſtrong liquor, without being intoxicated. His limbs were larger than his height required; and his hands and fingers ſeemed of that prodigious ſize, that a lady's bracelet might have ſerved him for a ring. He was formerly ſhewn for profit; but that way of life obliged him to be much confined; and his health requiring a good deal of exerciſe, he took to the leſs profitable employment of a ſoldier, and ſerved as a grenadier till after the rebellion.

March 25. Yeſterday afternoon died, at his houſe in Hertford-ſtreet, May-fair, the Right Hon. Philip Dormer Stanhope, earl of Cheſterfield, aged 78 years. His title deſcends to Maſter Philip Stanhope, a minor, about eighteen years of age, now at Leipſic univerſity.

March 27. Yeſterday at two o'clock the Lord Mayor, attended by Mr. Serjeant Glynn, Recorder, Alderman Bull, Mr. Sheriff Lewes, City Remembrancer, Common Serjeant, Town-Clerk, eight of the Livery, and the reſt of the city officers, went to St. James's, where the Recorder read to his Majeſty the addreſs, petition and remonſtrance from the city of London: To which his Majeſty was pleaſed to give the following anſwer:

I HAVE the ſatisfaction to think that my people don't doubt of my readineſs to attend to their complaints, or of my ardent deſire to promote their happineſs, which I cannot more effectually do, than by reſiſting every attempt to ſow groundleſs jealouſies among them.

Your petition is void of foundation, and is beſides conceived in ſuch diſreſpectful terms, that I am convinced you do not ſeriouſly imagine it can be complied with.

ANNAPOLIS, JUNE 3.

Since our laſt we have heard of the following elections of repreſentatives;

In Talbot county, Meſſ. Matthew Tilghman, James Lloyd Chamberlaine, Nicholas Thomas, and Edward Lloyd.

In Dorcheſter county, Meſſ. William Ennalls, John Ennalls, William Richardſon, and Thomas White.

In Kent county, Meſſ. Robert Buchanan, William Ringgold, John Maxwell, and Emory Sudler.

In Queen-Anne's county, Meſſ. John Brown, Solomon Wright, Turbutt Wright, and Richard Tilghman Earle.

In Baltimore county, Meſſ. Charles Ridgely, Thomas Cockey Deye, Aquila Hall, and Walter Tolly.

In St. Mary's county, Meſſ. John Reeder, jun. Richard Barnes, Thomas Bond, and Philip Key.

In Charles county, Meſſ. Francis Ware, Robert Henley Courts, Joſias Hawkins, and William Smallwood.

The Gentlemens Subſcription Purſe of Fifty Pounds, at Nottingham, on Tueſdy laſt, was won by his Excellency Governor Eden's bay horſe *Why-not*, aged; beating Dr. Hamilton's bay mare *Harmony*, ſix years old, and Mr. Baynes's gray horſe *Regulus*, aged; both of whom were diſtanced the firſt heat, by the ſuperiority of *Why-not*, who had run three very hard 4 mile heats at Philadelphia, on that day fortnight, and had ſince travelled from thence, in very hot weather, which was ſuppoſed to be much againſt him; nevertheleſs he won very eaſy, and the knowing ones were greatly taken in.

*** *Mr. Weſt's Piece, and an Addreſs to the* Firſt Citizen *from the Delegates of Baltimore county, came too late to be inſerted this week, but will have a place in our next.*

Erratum. In the piece ſigned A PROTESTANT PLANTER, No. 1444. *in the third line of the ſecond paragraph, for* citius *r.* ſitis.

May 21, 1773.

To be ſold to the higheſt bidder, on the 15th of June next, on the premiſes, for ſterling money or bills of exchange, agreeable to the will of the late John Pye, Eſq;

ABOUT 500 acres of fine land, being part of a tract, called Cornwallis Neck, lying on Mattawoman Branch in Charles county.

HENRIETTA PYE, executrix,
WALTER PYE, executor.

Charles county, May 26, 1773.

To be sold at publick vendue, at Port-Tobacco-town, in Charles county, on the 28th of June next,

THE sloop Ranger, which carries about 3000 bushels, with all her rigging, tackle and furniture. The said sloop is lately trimmed and now in good repair. She lies off Capt. Laidler's, and may be viewed at any time before or on the day of sale——Also to be sold on the same day, at the same place, two flats, the one 25hhds burthen, the other 15hhds. The 25hhds. flat now lies in Port-Tobacco creek, the other in Piles's ——Also to be sold, at the same day and place, a negro man, and a servant man who has three years to serve, both good sailors and have been used to sail in the sloop Ranger.——Six months credit will be given to the purchaser or purchasers of the above articles, on giving bond and security, with interest from the date.

J. ROGERS,
T. STONE,
PHIL. R. FENDALL,
JOHN LAIDLER.

Baltimore, May 26, 1773.

DANIEL GRANT,

Who lately kept tavern at the sign of the Buck, near Philadelphia,

BEGS leave to inform the publick, that he hath opened an inn and tavern, at the sign of the Fountain, in that large and commodious house lately built by Mr. Gough, in Market-street, Baltimore. He hath provided every thing for the accommodation of gentlemen, their servants, and horses, in the best manner; and those who choose to favour him with their custom, may be assured of his best endeavours to merit their approbation. He takes this opportunity of returning his most grateful thanks to the gentlemen who did him the honour to frequent his former house, and as it shall ever be his study to please, he hopes for a continuance of their favours.

May 14, 1773.

NOTICE is hereby given, that application will be made to the next general assembly for an act to confirm the title of the subscribers of, and in two tracts or parcels of land, called Spring Garden, and the chase lying in Soldier's Delight hundred, in Baltimore county; and also to enable the clerk of Baltimore county, to record a deed from Thomas Sligh and Vachel Worthington, to Benedict Swoope.

BENEDICT SWOOPE,
DANIEL BOWERS,
JACOB MADEIRA,
4w HARMAN FISHER,
ELIZABETH HOLTZINGER,
MARTIN ESCHELBERGER,
FREDERICK ESCHELBERGER.

Executors and Trustees of Barnet Holtzinger.

Chester Town, May 2, 1773.

LOST from the stern of a small schooner, off Barren Island, on Wednesday the 19th instant, a large new pine canoe, thirty feet long, split in her larboard quarter by laying in the sun, which split is newly caulked and pay'd with pitch, and has two iron clamps to keep it together; she had about two fathom of new rope fastened to her bow, and two oars and one paddle underneath the thwarts. Whoever takes up said canoe and brings her to the subscriber, or lodges her with Mr. M'Hard at Annapolis, shall have a reward of twenty shillings.

3w WILLIAM GEDDIS.

Piscataway, May 25, 1773.

ALL persons indebted to Messr. James Brown and company, merchants in Glasgow, for dealings with the late Mr. Colin Campbell, their factor at Lower-Marlborough, are desired to make immediate payment to the subscriber, who is authorised to receive the same. As the store is removed, and those gentlemen have not any other connexions in that county, it will be very inconvenient for them to lye out of their debts longer than the first of August, when those who do not pay may expect that suits will be brought against them.

I shall attend at Lower-Marlborough in June and July, and at the Court-house at August court.

2w ALEXANDER HAMILTON.

May 14, 1773.

STRAYED or stolen from the subscriber's plantation, about 3 miles from Port-Tobacco, a bright bay mare, about fourteen hands high, marked Y with a stroke across the bottom, the off fore foot and the two hind feet white, has a snip on her nose, and a bump on her back, about four years old.

Whoever takes up the said mare, and will deliver her to me, living near Nottingham, or to my overseer at the aforesaid plantation, near Port-Tobacco, shall receive fifteen shillings reward.

w3 LEONARD BROOK.

Prince-George's county, May 21, 1773.

COMMITTED to my custody as a runaway, negro Ned, who formerly belonged to Mr. Richard Queen, on the Eastern branch of Patowmack, and who now says he belongs to John Dorsey, son of Elie, on Elk-Ridge. His master is desired to pay charges and take him from

3w RALPH FORSTER, sheriff.

May 24, 1773.

RAN away, last night, from the subscriber, living in Garrison forest, about 10 miles from Baltimore, in Maryland, a mulatto slave named JACK, about 5 feet 9 or 10 inches high, of a thin visage and slender make, with his knees bent in one against the other, commonly called knock-knee'd, and has a scar on his right cheek: had on, and took with him, when he went away, a white kersey jacket and breeches, a pair of leather ditto, a blue cloth coat, a dark brown Devonshire kersey great coat, three osnabrig shirts, two white holland ditto, one pair of osnabrig trousers, a pair of dark brown ribb'd silk stockings, brown worsted and negro yarn ditto, a pair of half worn shoes, another pair nailed in the soles, and a felt hat; he plays on the violin. Whoever takes up the said slave, and secures him, so that his master may get him again, shall receive, if in the province, three pounds, and if out of the province ten pounds, and all reasonable charges, paid by w4 GEORGE RISTEAU.

N. B. It is supposed the above runaway carried off with him, from Gardiner's tavern, about eight miles from Baltimore, a dark bay horse, about 15 hands high, a natural pacer, belonging to Mr. Edward Stephenson, of Pipe-creek, Frederick county. All masters of vessels are forewarned from carrying him off at their peril.

THERE is at the ferry of Thomas Addison, a dark bay gelding, about 14 hands high, branded on the near shoulder I P joined together, a blaze face, and a saddle spot on his withers, shod before. The owner may have him again, proving property and paying charges.

THERE is at the plantation of Stephen Hall, in Baltimore county, taken up as a stray, a bay horse, about thirteen hands high, trots, and has a star in his forhead.

The owner may have him again, proving property and paying charges. w3

THERE is at the plantation of Henry Lyon, sen. living in Charles county, near Benedict, a stray black gelding, appears to be 7 years old, about 13 and a half hands high, has a hanging mane and switch tail, and is branded on the near shoulder IM. The owner may have him again on proving property and paying charges.

TAKEN up as a stray by Abraham Boyd, living in Prince George's county, a bright bay horse, about three years old, twelve and a half hands high, has a small star on his forehead, no brand, he paces and gallops. The owner may have him again on proving property and paying charges.

May 20, 1773.

ALL persons indebted to Messrs. Barnes and Ridgate, for dealings at their several stores, at Port-Tobacco, Benedict, and Newport, in Charles county; and George-Town, in Frederick county, are desired to settle their respective accounts, with the several factors herein after mentioned, who are appointed for that purpose, by us the subscribers trustees of the said Barnes and Ridgate. For dealings at Port-Tobacco, with Zephaniah Turner; at Benedict, with Alexander M'Pherson; at Newport, with Joseph Gevins, junr. at George-Town, with Thomas Johns. Those who refuse or neglect to comply with this request by the first day of July next, may depend that suits will be commenced against them without respect of persons. And the creditors of the said Barnes and Ridgate are desired to attend at Port-Tobacco on the 28th day of June next, when a state of their affairs will be laid before such creditors, by

JOHN ROGERS,
THOMAS STONE,
PHILIP RICHARD FENDALL.

WHEREAS Mr. *Caleb Dorsey*, late of *Anne-Arundel* County, deceased, did by his last will and Testament, bearing Date the 14th Day of *March* last past, order and direct sundry Lands to be sold, *viz.* a Tract or Parcel of Land, called *Caleb's Delight Enlarged*; also a Tract, called *Timber-Ridge*, and Part of a Tract, called *The Mill Frog*, all adjoining and lying in *Frederick* County, near *Simpson's* Tavern, about Thirty Miles from *Elk-Ridge Landing*, and contains about Two Thousand Four Hundred Acres. The said Land is well adapted to farming, and will be sold on the 20th Day of *June* next, in small Parcels, or in any Manner that may best suit the Purchasers;—Also Two Thirds of about Seven Thousand Acres of Land, lying in *Anne-Arundel* County, on *Curtis's-Creek*, about Seven Miles from *Baltimore-Town*, on which is a Furnace, a good Dwelling-House, and sundry Out-Houses, with a good Grist-Mill, and Saw-Mill: The Land is well timbered, and the Water navigable, within Fifty Yards of the Furnace Door, and will be exposed to sale on the 20th Day of *July* following. The Terms will be made known on the Days of Sale, by

MICHAEL PUE, Executor,
of MILOAH DORSEY, } Executrixes.
ELEANOR DORSEY }

N. B. All Persons having just Claims against the Estate, are desired to bring them in legally proved, and those who are indebted to the Estate, are desired to make immediate Payment to Two or more of the Executors only.

May 20, 1773.

In pursuance of a deed executed on the 18th day of May, 1773, by Messrs. John Barnes and Thomas How Ridgate, joint partners in trade, to us the subscribers, in trust for the payment of their debts in the manner in the said deed expressed, which deed is recorded among the records of Charles county,

NOTICE is hereby given to the country creditors of the said John Barnes and Thomas How Ridgate, and the holders of bonds and other specialties, and bills of exchange, actually and bona fide executed and drawn by the said John Barnes and Thomas How Ridgate, in the province of Maryland, that we have appointed the twenty first day of February next, to meet the said creditors in the town of Port-Tobacco in Charles county, in the said province of Maryland, for the purpose of receiving their claims in writing against the said John Barnes and Thomas How Ridgate, joint partners in trade as aforesaid, and releases of the persons of the said John Barnes and Thomas How Ridgate. And that all those of the said creditors, who shall neglect or refuse to signify their claims in writing to us or one of us, or who shall neglect or refuse to release and acquit the persons of the said John Barnes and Thomas How Ridgate, in consideration of the benefits and advantages the said creditors are to receive under the said deed, on or before the said twenty-first day of February next, will be barred and excluded from all manner of benefit and advantage under the said trust deed, and the powers therein contained, according to the purport true intent and meaning thereof.

JOHN ROGERS,
THOMAS STONE,
PHILIP RICHARD FENDALL.

Prince-George's county, May 21, 1773.

A CONSIDERABLE part of the publick money for this year being still unpaid, the subscriber gives notice, that he will attend as follows in order to receive it, when he hopes all persons that have not paid will come prepared to discharge their balances.

RALPH FORSTER, Sheriff.

At Nottingham,	the 16th and 17th June,
At Piscataway,	18th and 19th ditto.
At Broad creek,	the 21st,
At Bladensburg,	the 22d and 23d.
At Queen-Anne,	the 24th, and at
Upper-Marlborough,	the 25th and 26th ditto.

TWELVE POUNDS REWARD.

RAN away last night from the subscribers, living on Elk Ridge, in Anne-Arundel county, Maryland; two convict Servant men, viz. Anthony Jackson, born in the west of England, and speaks a little in that dialect, about twenty-five years of age, five feet eight or nine inches high, a red faced well-looking fellow, stoops in the shoulders, has short brown hair, and thin dark beard, has a down look when spoken to: had on, and took with him, when he went away, two osnabrig shirts, a pair of coarse country linen trousers, two pair of country made old shoes, a felt hat, white cotton and kersey jacket much worn, and an iron collar.——John Jones, an Irishman, about eighteen years of age, five feet three or four inches high, short dark hair, black eyes, fair complexion, and fresh coloured: Had on, and took with him, a light coloured forest cloth coat, with a piece of linsey about two inches broad down the back, a jacket of the same, old felt hat, a pair of greasy leather breeches, coarse yarn stockings, one pair of thread ditto, osnabrig shirt, and an iron collar.

Whoever takes up the said servants, and secures them in any jail, so that their masters may get them again, shall receive if taken ten miles from home, forty shillings; if twenty miles, four pounds; if forty miles, eight pounds; and if out of the province, the above reward; or half for either one of them (including what the law allows) and reasonable charges if brought home to

w4 JOHN HOOD, junr.
JOSEPH HOBBS, junr.

N. B. It is probable they may cut off their hair and get their collars taken off. All masters of vessels are forwarned carrying them off at their peril.

Just imported from London, and to be sold by SHAW and CHISHOLM, Cabinet and Chairmakers, in Church street, near the dock, a neat and general assortment of Joiners and Cabinetmakers tools, viz.

NEAT brass mounted locks with 36 bits for each; common ditto with one bit for tapping casks; jack, trying, smoothing, and jointer planes; double iron'd drying and smoothing ditto; double mortise fast planes; astrival, ogee, quarter round, and snipe bill ditto; beed planes with box edges; square, screw, and side rabbet planes; sash, moving, and common fillasters; cornice, raising, nosing, and neck mould planes; table, cock, beed, and spring ditto; deal groving planes of different sizes brass mounted; plows with 6 irons; and one regular set of hollows and rounds, &c.

THE Land office issue warrants as formerly, and all persons who have made application for warrants or any kind of business in that office, are desired to apply, that they may not lose the benefit of such application.

Signed by order,
WILLIAM STEUART, C. L. Off.

March 21, 1773.

To be ſold at publick Vendue, on Thurſday the Firſt Day of July *next, at the late Dwelling-Houſe of* Samuel Wickham, *of* Frederick *County, deceaſed, viz.*

A TRACT of Land containing Twenty-ſeven Acres, another Tract containing One Hundred Acres, adjoining the other, both lying on *Monockacy* Creek, whereon are Two framed Dwelling-Houſes, about Fifty Acres of cleared Land, and ſome in good Timothy Graſs; alſo one other Tract, containing One Hundred Acres, lying on *Fiſhing* Creek, in the County aforeſaid; whereon is a good Dwelling-Houſe, ſome Out-Houſes, about Forty Acres of cleared Land, and ſeveral Acres of Timothy Graſs: There is on the ſaid Land, a convenient Place for building a Griſt-Mill.—Alſo all Perſons indebted to the Eſtate of the above ſaid *Wickham*, are deſired to make immediate Payment, and thoſe who have any juſt Claims againſt ſaid Eſtate, are requeſted to bring in their Accounts regularly proved, that they may be adjuſted, by

w11 JOSEPH WOOD, junr. Executor.

March 22, 1773.

To be ſold by the Subſcribers, at publick Vendue, to the higheſt Bidder, for ready Money or ſhort Credit, on Thurſday July *1ſt next,*

TWO Lots in *George-Town*, on *Patowmack*, No. 30 and 31, pleaſantly ſituated in the Northweſt Quarter of ſaid Town, at the End of *Falls* Street; on Lot. No. 30 is a very good Wooden Dwelling-Houſe, Two Stories high, with a Cellar a Kitchen, and Draw-well at the Back of the Houſe, which furniſhes excellent Water: Alſo one other Lot in the Addition to *George-Town*, No. 144, ſituate convenient to *George-Town*, not improved.

ROBERT FERGUSON,
w6 ADAM STEUART.

NOW FOR SALE,

THE Houſes and Lots in which I lately dwelt, ſituated on the Court-Houſe Circle in the City of *Annapolis*; they are all well incloſed with Rails and Pales: the Houſes are moſtly new and in very good Repair; they will be ſold for a long Credit if required; the Terms may be known by applying to REUBEN MERIWETHER.

N. B. This Houſe and Lots are ſo advantageouſly ſituated, and ſo well known, that I think a minute Deſcription of them needleſs.

March 18, 1773.

THE Creditors of Mr. *Robert Horner*, late of *Charles*, are deſired to meet at the Houſe of Mrs. *Halkerſton*, in *Port-Tobacco* on Wedneſday, in *Charles* County, *Auguſt* Court Week next, with their Claims againſt the ſaid *Horner*, in order that a Diſtribution of the Money ariſing on the Sale of his Effects deeded to us for their uſe may be made.

RICHARD BROWN,
w6 THOMAS BOND, } Truſtees.

Annapolis, May 26, 1773.

To be ſold by the ſubſcriber at publick vendue, on Monday the 5th day of July next, on the premiſes, if fair, if not the next fair day,

ABOUT five hundred acres, part of that valuable tract of land, called Middle Plantation, lying in Anne-Arundel county, between the head of South-river and Patuxent; alſo about forty acres of choice meadow adjoining the ſaid land. The land is level, and the ſoil good, either for planting or farming; it is pleaſantly ſituated, about two miles from two merchant mills, and about the ſame diſtance from a navigable water, where ſhips frequently load, and is a market for all ſorts of grain. The purchaſer will be put into poſſeſſion the 25th Nov. next, and have the liberty to ſow grain this ſummer.

ts NICHOLAS MACCUBBIN.

May 12, 1773.

To be ſold for London bills, or caſh, or leaſed for a term of years,

THE houſe and lot now in the occupation of Mrs. Mary Hawkins, in Piſcataway; the dwelling-houſe is commodious, and well calculated for the entertainment of travellers and others, with ſuitable out houſes, and a large garden and yard well paled in with locuſt poſts: there is likewiſe great plenty of room on the ſaid lot, for building or other improvements, near and adjoining the main county road. Credit will be given for one half the money twelve months, on giving bond and ſecurity if required, to

1m THOMAS DENT.

Annapolis, May 13, 1773.

Juſt arrived in the Adventure, Samuel Maynard, from London,

ASSORTMENTS of goods for my ſtores, at Annapolis, Elk-Ridge Landing, and Elk-Ridge; to be ſold wholeſale or retail for caſh, bills, or tobacco. I expect the Sibella, Smith, for Patuxent, and the Friendſhip, Eden, for Patowmack, with the goods and accounts for thoſe rivers every day.

The Adventure loads in Severn, but will take the early Tobacco from Elk-Ridge and Baltimore. I expect to get her away by the laſt of June, and to return again to Annapolis in the fall with ſome winter goods. The Somerſet, Robinſon, will be in Patapſco by the time Maynard is loaded. I have ordered inſurance on Maynard and Ireland, and ſhall continue to uſe my beſt endeavours for the intereſt of all our friends.

STEPHEN WEST.

TEN POUNDS REWARD.

London-town, May 19, 1773.

STOLEN laſt night from my plantation at London-town, eleven ewe, and two ram lambs. They are remarkably large and fat, being of the Engliſh breed. They were carried off by water, and it is ſuſpected may have been conveyed to Annapolis for ſale. There is at the landing from whence the lambs were taken, the impreſſion of the ſtern of a battoe or a large pettiauger, in which I ſuppoſe they were carried acroſs South-river. The above-mentioned reward of ten pounds will be paid on the diſcovery and conviction of the offender or offenders, by

1w JAMES DICK.

May 12, 1773.

PRINTING in all it's *various branches*, performed in a *neat, correct*, and *expeditious manner*, on the *moſt reaſonable terms*, by WILLIAM GODDARD, at his Printing-Office, at the corner of *South* and *Market ſtreets*, nearly oppoſite to Mrs. *Chilton's*, in *Baltimore-town*.

Thoſe gentlemen who have been ſo obliging as to take in ſubſcriptions for the *Maryland Journal*, and *Baltimore Advertiſer*, are earneſtly requeſted to tranſmit the *ſubſcription liſts* (or the *ſubſcribers names* and *places of abode*) as ſpeedily as poſſible, to the office above-mentioned, that the printer may be enabled to aſcertain the number neceſſary to be printed, as well as to forward the papers in a proper manner to every ſubſcriber.

As ſoon as proper *poſts* or *carriers* are eſtabliſhed, the *paper* will be publiſhed, of which ſeaſonable notice will be given in this *gazette*, to give gentlemen an opportunity to advertiſe in the *firſt number*.

May 1, 1773.

To be ſold at publick ſale on Tueſday the twenty-ſecond of June next, on the premiſes,

A VALUABLE tract of land, called the Two Brothers, lying in St. Mary's county, within ten miles of Leonard-town, Benedict and Chaptico, and at the diſtance of a mile from the Patuxent river, it contains two hundred and twenty-five acres, or at leaſt patented for that quantity, is moderately well timbered. The ſoil is light and capable of improvement, the chief of it being level. The buildings on it are, a bad dwelling-houſe and kitchen, and a good tobacco-houſe. Any one deſirous of ſeeing the land, may do it by applying to Mr. John Lucas at the Queen-tree, in the aforeſaid county. Ready money will be required for the purchaſe, or at leaſt the half, and for the reſt credit may be given, on intereſt and good ſecurity.

JOHN LUCAS,
6w ANNE LUCAS.

Baltimore, May 7, 1773.

Juſt imported, in the ſhip Hibernia, from Liverpool and Milford,

FINE white ſalt, a large aſſortment of Engliſh leather, earthen-ware in caſks and crates; and a few barrels of fine Welch ale and Iriſh beef, to be diſpoſed of by

3w JOHN STEVENSON.

May 1, 1773.

Imported in the Induſtry, Capt. Carcaud, and in the Nelly frigate, Capt. Greig, both from London, and to be ſold at the following places,

CARGOES of European and Eaſt-India goods well aſſorted,

At Nottingham, per Contee and Bowie,
At Magruders, per Contee and Magruder,
At Frederick-town and the mouth of Monocacy } per Contee and Hanſon.

A parcel of ſortable goods for wholeſale, by the Nelly frigate, Capt. Greig, amount £. 394. 9. 6. prime coſt, which I will ſell at a low advance, for bills or caſh. I expect in all next month; ſome pipes of wine from Madeira, which I will ſell cheap.

4w THOMAS CONTEE.

Baltimore, May 15, 1773.

On hand—and juſt imported,

A LARGE aſſortment of dry goods, nails, earthen and glaſs ware, beſt London bottled porter; a large parcel of Manchеſtry of various ſorts, a few caſks of beef, and ſome fine barley, &c. &c.—Which are to be diſpoſed of, for caſh, or produce, or at the uſual credit, by

6w JAMES CHRISTIE, junr.

N. B. All thoſe indebted to me are deſired to pay immediately.

Baltimore, May 7, 1773.

Wanted to charter for EUROPE,

TWO veſſels, from four to ſix thouſand buſhels each, the cuſtomary freight will be given and great diſpatch, by applying to

3w JOHN STEVENSON.

May 27, 1773.

ALL perſons having any cauſe of complaint on account of their dealings with me while I did buſineſs at Piſcataway, in Prince-George's county; are hereby deſired to meet me at the place aforeſaid, from Monday morning the 28th of June next, until Saturday evening the 3d of July following, where conſtant attendance (by the leave of God) ſhall be given by me to receive all complaints which ſhall be offered in the preſence of one or more gentlemen of honour and integrity, who ſhall judge thereof, and ſuch redreſs be made as to ſuch judge or judges ſhall ſeem juſt and right.

JAMES MARSHALL.

Annapolis, May 26, 1773.

THE ſubſcriber who ſerved his time with Mr. Thomas Callahan of this city, has juſt opened Shop at Mr. Martin Waters's, oppoſite John Ridout's, Eſq; where he intends to carry on the tailoring buſineſs in all its branches. Thoſe gentlemen that will favour him with their cuſtom, may depend on having their work done in the neateſt and moſt reaſonable manner, by

Their moſt obedient humble ſervant,
6w LEWIS LEWIS.

THERE is at the plantation of Charles Hammond, a ſtray ſorrel ſtallion, with no perceivable brand. —The owner may have him again, proving property and paying charges.

3w

To be ſold by publick vendue, on Wedneſday the eleventh day of auguſt next, agreeable to the laſt will and teſtament of Arthur Charlton,

ALL that valuable lot of ground where the deceaſed lived, on which is a good two ſtory brick dwelling houſe, with two out-houſes, one bricked and the other framed, with a good ſtable, ſmoke-houſe and kitchen: one half the purchaſe money to be paid down, the other half not, on giving bond with intereſt, and ſecurity if required.

ts ELIZABETH CHARLTON, Executrix.

THE ſubſcriber will ſell on the premiſes at publick vendue, at ten o'clock, on Monday the 21ſt of June next, four country born ſlaves and a tract of land, lying in Anne-Arundel county, between South-river and Patuxent, containing by patent three hundred and eleven acres. The land is level, and the ſoil good, either for planting or farming. The purchaſer to be put into poſſeſſion at Chriſtmas. Title and terms made known by application to

THOMAS HARWOOD, junr. of Annapolis.

N. B. The above land is about twelve miles from Annapolis, and five from Queen-Anne, and now in the poſſeſſion of Mr. John Jacobs.

May 4, 1773.

COMMITTED to the jail of Charles county the 30th of April laſt, as a runaway, Daniel Duoneilly, an Iriſhman, who ſays he is a ſervant to Henry Howard of Meclinburg county, in Virginia, has an impediment in his ſpeech, thin viſage, wears his own dark hair: has on, an old bearſkin coat, a red ſtriped linſey woolſey jacket, both trimmed with black horn buttons, leather breeches, oſnabrig ſhirt, ſhoes, yarn ſtockings, and hat. The owner of ſaid ſervant is deſired to take him away and pay charges, to

3w WILLIAM HANSON, deputy ſheriff.

THREE POUNDS REWARD.

May 4, 1773.

RAN away from the ſubſcriber, living in Bladenſburg, an Iriſh ſervant man, indented for four years, about twenty-two years of age, named Bryan Fitzpatrick, a ſhoemaker by trade: had on, when he went away, a claret coloured ſurtout coat, a light blue coat, waiſtcoat and breeches, brown worſted ſtockings, pumps half worn, with a French cocked hat tarred on the top of the crown, and is ſuppoſed to have a forged paſs.

Whoever brings the ſaid ſervant to his maſter, or gives intelligence, ſo that he may be got again, ſhall receive if taken out of the province, three pounds Maryland currency, or otherwiſe, if taken in the province of Maryland, forty ſhillings.

w3 JOHN FRANCIS.

N. B. He took with him, a pair of yellow buckles cut in diamond faſhion, a caſe of razors marked G. W. a dark flaxen hair curl, he is a proud ſaucy fellow.

Juſt arrived from London,

The Ship ANNAPOLIS,

THOMAS EDEN,

WHICH loads in the river Patuxent, and receives tobaccoes conſigned to Thomas Eden and Co. merchants in London, at the uſual freight of ſeven pounds ſterling per ton.

As Capt. Eden is poſitively engaged to ſail for London from Maryland between the tenth and twentieth of June, his friends are requeſted not to occaſion any unneceſſary delay in ſhipping their tobacco; and any goods they may want in the fall they may depend on receiving, as he purpoſes being in the country again in October.

Such of Capt. Eden's friends as he will not be able from the ſhortneſs of time and hurry of buſineſs to wait on, he hopes will excuſe him, and leave their orders, with their tobacco notes, at the moſt convenient inſpection houſes to themſelves, and they ſhall be punctually complied with.

N. B. Great part of the cargo for the Annapolis is engaged, and ready. Any gentlemen, who are ſituated at a diſtance, and will take the trouble of engaging craft to put their tobacco on board, will greatly oblige Capt. Eden, who will pay immediately the uſual freight thereof. They are deſired to ſend their orders or invoices therewith, and ſhall receive bills of lading by the firſt opportunity.

CHARLES JACOB and ABRAHAM CLAUDE,

WATCHMAKERS FROM LONDON,

Have juſt opened Shop, oppoſite Mr. Ghiſelin's, *in* Weſt-Street, Annapolis,

WHERE they repair all Sorts of repeating, horizontal, and plain Watches, in the neateſt and moſt approved Manner, and at the moſt reaſonable Rates. Thoſe Ladies and Gentlemen that pleaſe to favour them with their Cuſtom, may depend on having their Work done with the greateſt Punctuality and Exactneſs, as they will execute all the Work themſelves without employing any other Perſon, and engage their Work for one Year: They will alſo ſupply any Perſon with Watches of their own make, and warrant them as good as if bought in *London*.

To be sold by publick vendue, on the 10th of June next, all the real eſtate belonging to the Buſh River Iron Works Company, at the head of Buſh River, in Baltimore county, Maryland, now laid out in the following lots for the conveniency of ſale.

No. I. THE principal ſeat, containing about 50 acres, on which are an iron furnace not in uſe, a merchant mill, &c. with a very fine ſtream of water with the mill race and dam; about 20 acres of this lot is very fine improved meadow, and moſt of the 50 acres may be watered from the race, and are very rich. There are divers ſmall houſes, out houſes, &c. on this lot, which are pleaſantly ſituated at Buſh Town. The ſtream is capable of manufacturing 30,000 buſhels of wheat, is in an extraordinary fine wheat country, and about 25 miles from Baltimore Town, 45 from York Town in Pennſylvania, and a good road. The mills are at the head of navigable water, and the flour barrels may be rolled out of the mill into craft, and tranſported from thence by water to Baltimore Town or head of Elk at nine pence per barrel.

No II. Is a tract of land called Coomb's Adventure, lying on Patapſco River, diſtant about 2 miles from Baltimore Town, containing by eſtimation, about 175 acres. On this land is one of the beſt banks of iron ore in the province, and is accommodated with every convenience to render it valuable; it lays high and dry, and a veſſel of 200 tons may lay to the ſhore. This land is a remarkable ſituation for a gentleman's ſeat.

No. III. & V. Contain about 7 acres, adjoining Buſh Town, between the furnace race and Binam's run, are pleaſantly ſituated on the main road, and very convenient buildings.

No. VI. Is one acre of ditto land.

No VII. Is about 8 acres above the old race and dam, adjoining John Lee Webſter's land; is valuable meadow land.

No. VIII. Is 25 acres near Buſh Town, on the weſt ſide of Binams run, below the dam, ſome of it good meadow ground, the remainder fine tillable land.

No. IX. Is about 31 acres above the dam, adjoining James Mauthers's, part of it fine meadow land.

No. X. Is about 5 acres, between the old race and the dam along ſide of the run.

No. XVI. Is about 230 acres, part of the north end of Nova Scotia; this land is moſtly level, full of good timber, and is very fine land.

No. XVII. Contains about 270 acres, part of the ſame tract, much as above, but has ſome more valuable meadow ground.

No XVIII. Contains about 130 acres, nearly qualified with No. 17.

No. XIX. Part of Abbott's foreſt, contains 121 acres, about 30 acres of which i ſome of the fineſt meadow ground in the province; the whole full of fine timber.

No. XX. & XXI. Part of Nova Scotia, on the weſt ſide of James's run, near Buſh Town, part of it good meadow, and contains about 100 acres.

No. XXII. Part of two tracts near Buſh Town, lying between Hannah Richardſon's and the poſt road, containing about 130 acres.

No. XXIII. Is part of Friendſhip, between the main road and James Webſter's plantation, contains about 80 acres, pleaſantly ſituated.

No. XXIV. Is 20 acres of land, has on it a ſtone griſt mill on a good ſtream of water, within 400 yards of tide water.

No. XXV. Is a wharf on the river for unloading veſſels at.

No. XXVI. Is part of Nova Scotia near Buſh Town, contains about 30 acres.

No. XXVII. Is part of Broken Iſlands, about 9 acres, at the old mine bank.

No. XXVIII. Part of Friendſhip at the north ſide of the poſt road, adjoining Hannah Richardſon's, containing about 61 acres.

No XXIX. Part of ditto lying on each ſide of the poſt road, containing about 180 acres.

No. XXXI. Contains about 134 acres, known by the name of Hughs's Lands, on the poſt road about three miles from Buſh Town, adjoining navigation, and is a pleaſant ſeat.

No. XXXII. Part of two tracts, containing about 300 acres, is good farming land, on which is a good plantation, a great proſpect of iron ore, a good orchard, and many fruit trees.

All the above lands are ſituated near Buſh Town, and none more than three or four miles from navigable water. The ſale to be held at Buſh Town. Reaſonable credit will be given to the purchaſers on giving bond with approved ſecurity. The premiſes may be view'd any time before the day of ſale, and the ſeveral lots (above deſcribed) ſhewn, by applying to Iſaac Webſter near Buſh Town, William Cox, or Thomas Bond ſon of John. w4

Annapolis, May 4, 1773.

JANE and Anne Nelſon, have juſt imported, a neat aſſortment of the neweſt faſhion millenary, which they will ſell on very reaſonable terms.

ALL perſons having accounts and debts with Thomas Harwood, jun. and John Brice, of more than one year ſtanding, are requeſted to make immediate payment; and as their partnerſhip is now at an end, it is requeſted that their cuſtomers who have accounts of an early date will call and cloſe them, when convenient, which will ſave a great deal of trouble to *Their much obliged,*

And very humble ſervant,

tf THOMAS HARWOOD, jun.

N. B. Thomas Harwood, jun. intends to import goods, and the buſineſs will then be carried on by Thomas and Benjamin Harwood, who will gladly ſerve all that may incline to favour them with their cuſtom.

THE ſubſcriber hereby takes this method of informing his old acquaintance, and the publick in general, that he now keeps the Kings Arms Tavern on Corn-hill, in Annapolis, between the ſtadt-houſe and the dock; and as his houſe is very convenient for the reception of gentlemen travellers and others, and he having furniſhed himſelf with the beſt of liquors and other accommodations for that purpoſe, hopes to merit the approbation of all who may think proper to favour him with their company. He alſo keeps the beſt timothy and clover hay, oats, &c.

tf BERIAH MAYBURY.

N. B. Any gentlemen, ſuch as jurymen or any others, having buſineſs in Annapolis ſo as to be detained more than a day or two, he boards by the day if they think proper; he takes yearly boarders alſo on the moſt eaſy terms. He has for ſale a ſloop of about thirty tons burthen, well rigged with a new ſuit of ſails, which he will ſell cheap for caſh or ſhort credit. ——He has likewiſe for ſale, a compleat ſet of well ſeaſoned ſhip blocks, and a handſome figure head for a ſhip.—He continues to keep a boat and hands as uſual, and has a negro pilot very capable of conducting a ſhip to and from any part of the bay.

Benedict, April, 27, 1773.

STRAYED or ſtolen from the ſubſcriber a black mare, about twelve or thirteen hands high, branded on one of her ſhoulders G M hanging mane, a ſwitch tail, it is imagined ſhe was carried off by a negro fellow, named Will, belonging to Mary Anderſon, near Benedict, who has been run away about two months. Whoever takes up the ſaid mare, and contrives her to the ſubſcriber living in Benedict, or Mr. Peter Campbell, merchant in Piſcataway, ſhall have forty ſhillings currency reward.

4v ROBERT YOUNG.

May 11, 1773.

ALL perſons indebted to the eſtate of John Brown, Severn, late of Anne-Arundel county, deceaſed, are deſired to make payment, and all thoſe that have any juſt claims againſt the ſaid eſtate, are deſired to bring them in legally proved, that they may be paid, by

3w ELIZABETH BROWN, Executrix.

To be ſold to the higheſt bidder, at the ſubſcriber's plantation, on Friday the eighteenth day of June next, if fair, if not the next fair day,

ABOUT three hundred and forty acres of land, lying on Patuxent river, near Snowden's iron-works well known by the name of Riggs's neck, with all convenient houſes ſuitable to either planter or farmer. The fertility of the ſoil is ſo well known to numbers, that a particular deſcription is not needful. A good title will be given to the purchaſer, and poſſeſſion given up by the firſt of December, by —— w7 —— AMON RIGGS.

Baltimore, April 20, 1773.

ROBERT CHRISTIE, junr. has a large aſſortment of dry goods, alſo genuine Madeira wine of New-York quality, beſt bar iron, and barrelled pork, all of which he will ſell on reaſonable terms. 6w

TO BE SOLD,

THE Dwelling Houſes and Lots belonging to the late *John Morton Jordan*, Eſq; deceaſed, ſituated on the Bank of *Severn* River in the City of *Annapolis*. Any Perſon inclinable to purchaſe the ſaid Houſes and Lots, may know the Terms by applying to their moſt obedient humble Servant,

REUBEN MERIWETHER, Admr.

Annapolis, May 20, 1773.

THE ſubſcriber intending to leave this province the enſuing fall, earneſtly requeſts all perſons indebted to him to make ſpeedy payments; and all thoſe who have demands againſt him, are deſired to make them known, that they may be adjuſted.

JOHN HEPBURN.

THE noted Engliſh dray-horſe, imported by Mr. Gough, ſtands in Baltimore-town, and will cover mares at 40 ſhillings the ſeaſon.—— Mr. Elie Dorſey, ſen. on Elk-ridge, has two of the above horſe's colts out of common half-blooded mares that he refuſed 50 pounds a piece for at two years old; his colts in general prove him well qualified to croſs the ſtrain with blooded, half-blooded and country mares for carriage and draught horſes. 6w

Queen Anne's county, May 3, 1773.

BEING in a great meaſure a ſtranger to the affairs of my late huſband, the Rev. Matthias Harris, and being deſirous of getting information relative thereto; I hereby requeſt that every perſon to whom he is indebted will be kind enough to let me know their reſpective claims, with the nature of each of them, within two months from this date, that I may take the moſt prudent ſteps in order to have them adjuſted.

3w HESTER HARRIS.

By Virtue of a Deed of Truſt from Captain William Richardſon, *for the Benefit of his Creditors,*

To be ſold on Wedneſday the 4th of Auguſt *next, by publick Sale, at the Houſe of Mrs.* Chilton, *in* Baltimore-Town,

THAT valuable and well known Tract of Land called *Colrain*, ſaid to contain near 800 Acres, though only patented for 602 Acres. There are about 100 Acres cleared, being the pooreſt Part of the Land, whereon is built, a framed Dwelling-Houſe, 30 by 20 Feet, with Brick Chimnies, having Two Rooms below and Three above, a Kitchen, Meat Houſe, Milk-Houſe on a Spring, Hen Houſe, Corn-Houſe, Stables and Barn, and an exceeding good Apple Orchard, about 40 Acres of Meadow are cleared, and under middling Fence; Part whereof is embanked Marſh, the Reſt white Oak Bottom, and upwards of 100 Acres more may be made. This Land abounds with Locuſt, Maple, Hickory, red and white Oak, and is conveniently ſituated in *Baltimore* County, upon *Buſh* River, 4 Miles from *Buſh-Town* and *Joppa*, and 22 from *Baltimore-Town*. There is a good Fiſhery, particularly of Herrings in the Seaſon, and plenty of wild Fowl. It is ſuppoſed to contain plenty of Iron Ore, from the Appearances, is convenient to many Furnaces, and hath a good Landing. Twelve Months Credit will be given to the Purchaſer, and if any inclinable to purchaſe privately, they may know the Terms, by applying to Mr. *James Chriſtie*, Merchant, in *Baltimore-Town*; and Capt. *William Richardſon* will attend on the Premiſes to ſhow the Land.

JOHN FINLATER and Co.

Late from Europe, *Wheelwrights, oppoſite the new Buildings on the Dock,*

TAKE the Liberty of acquainting the Publick, that they propoſe carrying on the various Branches of the Buſineſs, ſuch as Carriages and Wheels of all Kinds for Coaches, Berlins, Poſt-Chariots, Curricles, Sulkies, and ſingle Horſe Chaiſes; alſo Waggons, Carts, Ploughs, and Harrows, on the neateſt Conſtruction; likewiſe Carriages and Wheels of all Kinds painted and varniſhed in the beſt Manner.

Thoſe who pleaſe to honour them with their Commands may be aſſured, that a ſpeedy Execution of their Work and Attention to Buſineſs will entitle them to their Favours, and in ſome Meaſure recommend them to the Encouragement of the Publick; and they pledge their Honour that for Neatneſs and Elegance, they flatter themſelves, they are able to excel any of the Buſineſs ever arrived in *Annapolis*. w6

March 30, 1773.

THE Subſcriber gives this publick Notice to all his former good Cuſtomers, and to other Gentlemen, that he now lives in the Houſe where Mr. *William Hutchings* lately dwelt, near the Head of the Dock, in the City of *Annapolis*, that he hath provided himſelf with every Neceſſary for the Reception of Gentlemen in the Tavern Way. Thoſe Gentlemen who are pleaſed to favour him with their kind Cuſtom may depend on the beſt Treatment, as it ſhall be my conſtant Endeavour to pleaſe. I ſhould at all Times be glad to do any Kind of Buſineſs for my Cuſtomers, as they think proper to communicate to me, in the beſt Manner I can.

I am the Publick's moſt obliged humble Servant,

2m HENRY GASSAWAY.

N. B. I have a very careful Overſeer at my Farm, within a Mile of Town, that underſtands the Management of Horſes, if Gentlemen chooſe to ſend their Horſes to paſture they ſhall be taken Care of agreeable to their Orders; there is a fine large Paſture well fenced in, a good Stable, and other Conveniences, that Gentlemen may have them provided for in the beſt Manner; all Care ſhall be taken that they do not get away. If they ſhould I will not ſee them forth coming. H. G.

Baltimore, April 13, 1773.

AS I purpoſe to embark for England either in the fall of the preſent or ſpring of next year, I deſire all perſons who yet owe me money for dealings with Hudſon and Thompſon, and thoſe whoſe accounts are due for goods bought from myſelf, to come without delay and pay me their reſpective balances; which only will prevent their being ſued to the next ſeptember provincial or november county courts.

I have now on hand about £. 3500 coſt of well laid in and aſſorted dry goods, which I will ſell at a very low rate all together or in parcels, and will make the payments convenient to the purchaſers.

tf HENRY THOMSON.

He has alſo for ſale a few pipes of excellent Madeira bill wine, imported by himſelf, a quantity of Virginia pork in barrels, and a ſchooner of about 16 or 1800, and [illegible] 1000 buſhels burthen.

ANNAPOLIS: Printed by ANNE CATHARINE GREEN and SON.